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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION

4 - - -  
5 UNITED STATES OF AMERICA, : CASE NO. 1:18-cr-0043  
6 Plaintiff, :  
7 vs. : JURY TRIAL  
8 YANJUN XU, also known as XU : 25th of OCTOBER, 2021  
9 YANJUN, also known as QU HUI, : 9:30 A.M.  
10 also known as ZHANG HUI, :  
11 Defendant. : VOLUME 6  
12 - - -

13 TRANSCRIPT OF PROCEEDINGS  
14 BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE  
15 UNITED STATES DISTRICT JUDGE  
16 - - -

17 APPEARANCES:

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Proceedings reported by mechanical stenography,  
transcript produced by computer.

\* \* \*    \* \* \*    \* \* \*    \* \* \*

1                   **INDEX OF WITNESSES**

2                   MONDAY, OCTOBER 25, 2021

3                   DIRECT   CROSS   REDIRECT   RECROSS

4                   **PLAINTIFF'S WITNESSES**

5                   BRADLEY HULL                           12           146           150

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1 P-R-O-C-E-E-D-I-N-G-S 9:40 A.M.  
09:40:48 2 (In open court outside the presence of the jury.)  
09:40:48 3 THE COURT: We're back in the open courtroom on the  
09:40:51 4 record outside the presence the jury. United States versus  
09:41:00 5 Xu.  
09:41:01 6 The prosecution team is present. Is your representative  
09:41:05 7 here?  
09:41:06 8 MS. GLATFELTER: Yes, we are, Your Honor. Thank  
09:41:08 9 you.  
09:41:08 10 THE COURT: Is your representative here?  
09:41:13 11 AGENT PAUL: Yes, Your Honor.  
09:41:14 12 THE COURT: Oh, there you are.  
09:41:15 13 Defense team is here in full. Defendant's here. The  
09:41:19 14 Court interpreter is here and present.  
09:41:24 15 Is your interpreter here, defense?  
09:41:30 16 Okay. We have got two interpreters present in the  
09:41:33 17 courtroom.  
09:41:35 18 I'm going to swear the interpreter who is present in the  
09:41:39 19 courtroom for the first time.  
09:41:41 20 Mary, would you take the oath.  
09:41:43 21 Do you solemnly swear or affirm that you will correctly  
09:41:47 22 interpret these proceedings today? Will you?  
09:41:53 23 THE INTERPRETER: Yes, I do, Your Honor.  
09:41:54 24 THE COURT: Thank you.  
09:41:56 25 It's my understanding that the defendant has indicated he

09:42:01 1 doesn't need word-for-word translation.

09:42:20 2 THE INTERPRETER: No, Your Honor.

09:42:21 3 THE COURT: Counsel, if you'd tell me what's going

09:42:23 4 on?

09:42:24 5 MR. McBRIDE: Yes, I believe you are correct, Your

09:42:26 6 Honor, that Xu does not need word-for-word translation.

09:42:32 7 THE COURT: If that changes, I want to be made aware

09:42:35 8 of that so we can act appropriately. I need the defendant to

09:42:40 9 tell me he doesn't need word for word and he is comfortable

09:42:43 10 with the way we propose to proceed.

09:42:52 11 MR. McBRIDE: Yes, Your Honor.

09:43:03 12 THE DEFENDANT: (In English) Okay. No problem.

09:43:08 13 THE COURT: Did I hear, "Okay. I'm fine"? What did

09:43:11 14 I hear? I need to hear from the defendant --

09:43:13 15 THE DEFENDANT: (In English) Yes.

09:43:14 16 THE COURT: -- whether he's comfortable not having

09:43:17 17 word-for-word interpretation.

09:43:20 18 THE DEFENDANT: (In English) Yes.

09:43:21 19 THE COURT: If that changes, I want him to tell me.

09:43:30 20 MR. McBRIDE: Yes, Your Honor.

09:43:31 21 THE COURT: And someone just told him that, right?

09:43:34 22 MR. McBRIDE: Yes, Your Honor.

09:43:37 23 THE COURT: I don't have a lot of comfort. I think

09:43:39 24 this should be word for word.

09:44:03 25 MR. McBRIDE: Mr. Xu says he's fine with word for

09:44:06 1 word.

09:44:07 2 THE COURT: Very well. If it doesn't need to be

09:44:08 3 that way down the road, he can tell his interpreter. We are

09:44:13 4 going to start with word by word.

09:44:16 5 MR. McBRIDE: Very well, Your Honor.

09:44:17 6 THE COURT: Acceptable, Ms. Murphy?

09:44:20 7 THE INTERPRETER: Yes, Your Honor.

09:44:20 8 THE COURT: Very well. We have a new court reporter

09:44:23 9 this week, Mary Schweinhagen.

09:44:26 10 And I understand you wish to address the Court before we

09:44:29 11 get the jury. The government wish to be heard on a motion

09:44:33 12 perhaps?

09:44:35 13 MR. MANGAN: Yes, Your Honor. We submitted a motion

09:44:38 14 last night regarding issues that the defense has raised

09:44:43 15 related to what we're calling the Safran issue. In

09:44:46 16 particular, this came up both during opening and the

09:44:49 17 examination of a witness in which they suggested two different

09:44:54 18 things: One would be that it was improper to consider the

09:44:58 19 Safran information because he was not indicted in a separate

09:45:02 20 proceeding that is going on in California; and, secondly, that

09:45:06 21 the Safran incident was not specifically listed or enumerated

09:45:12 22 in the extradition materials.

09:45:16 23 We believe those are both legal issues that have been

09:45:18 24 previously submitted by the defense through various motions

09:45:21 25 and that had been resolved. We don't think they are

09:45:24 1 appropriate for subjects of cross-examination or argument to  
09:45:27 2 the jury.

09:45:29 3 THE COURT: Very well. Does the defense wish to be  
09:45:31 4 heard?

09:45:33 5 MR. McBRIDE: Yes, Your Honor. I think, first, the  
09:45:35 6 government misconstrues at least one of our arguments. We are  
09:45:39 7 not arguing that the Safran evidence should not be considered,  
09:45:44 8 but we believe that the issue of the other indictment goes to  
09:45:50 9 the weight of that evidence, and the jury is perfectly  
09:45:53 10 entitled to consider the investigation in this case and what  
09:45:59 11 happened with the information, both the evidence here and  
09:46:04 12 other evidence that was submitted to the Southern District of  
09:46:08 13 California by the government.

09:46:15 14 I would argue, Judge, that it's a basic constitutional  
09:46:18 15 right of the defendant to confront the witnesses in this case,  
09:46:25 16 including the government's witnesses, and particularly case  
09:46:29 17 agents that they submit on particular issues.

09:46:34 18 The government has argued vociferously, and won the  
09:46:42 19 argument before this Court, that the Safran evidence is part  
09:46:47 20 of the conspiracy in this case. Now what they are asking the  
09:46:52 21 Court to do is to limit the defendant's ability to test that  
09:46:58 22 evidence and to test the validity of the investigation in this  
09:47:05 23 case.

09:47:08 24 The government in its motion alludes to the role that the  
09:47:12 25 defendant played in how he has identified in that indictment.

09:47:18 1 That's fine, Your Honor. It's an admission that he is, in  
09:47:22 2 fact, involved in the other case. I would submit that the  
09:47:27 3 reason he is not indicted in that case is because of the rule  
09:47:32 4 of specialty that would clearly be a violation of the treaty  
09:47:37 5 for extradition between the United States and Belgium.

09:47:45 6 The government cites a couple of cases for the  
09:47:49 7 proposition that nonindictments in other cases are irrelevant  
09:48:00 8 because there are lots of potential explanations for the  
09:48:03 9 government's charging decisions. That's true enough, but we  
09:48:07 10 ought to be allowed to ask which of those reasons apply here,  
09:48:12 11 not the least because the answer to that question has real  
09:48:15 12 consequences.

09:48:19 13 The government also cites the *Bingham* and *Benson* cases  
09:48:23 14 for the proposition the defendant cannot point to indictments  
09:48:27 15 related to cases to show he is not guilty of the offense.  
09:48:31 16 That is not what we are trying to do here. The indictments --  
09:48:38 17 the government is introducing this indictment of other crimes  
09:48:43 18 claiming they are part of this case, and we're merely asking  
09:48:46 19 for the opportunity to paint the rest of the picture, Judge.

09:48:54 20 The government's basic argument throughout the case is  
09:49:09 21 that Xu, of course, is guilty, but they are trying to skirt  
09:49:03 22 their own evidence. And let me explain that, Judge. One of  
09:49:12 23 my mentors a long time ago, an old country lawyer, used to  
09:49:16 24 cite the goose/gander rule: What's good for the goose is good  
09:49:21 25 for the gander. Here, the government is refusing to accept

09:49:24 1 that the consequences of its own evidence that this Court said  
09:49:27 2 they can use. That is inherently unfair. And because of  
09:49:31 3 that, that's why the government backs to the Rule 403 that  
09:49:38 4 it's unfairly prejudicial. What I used to say of the  
09:49:42 5 government lawyer is: Of course, Your Honor, it's  
09:49:45 6 prejudicial, but it's not unfairly prejudicial. I'm going to  
09:49:48 7 say the same thing here in defense of Mr. Xu. Of course the  
09:49:53 8 cross-examination is going to produce prejudicial information.  
09:49:58 9 It is not going to unfairly prejudice the government, who has  
09:50:02 10 embraced this evidence.

09:50:03 11 If you look in the government's memorandum, they don't  
09:50:10 12 give you any reason, Judge, why it's unfairly prejudicial.  
09:50:15 13 And for those reasons, the government -- the defense believes  
09:50:19 14 we should be able to explore the investigation, what happened  
09:50:24 15 with the evidence, because it illustrates our point that this  
09:50:30 16 is not an important part of the conspiracy to defraud GE.

09:50:41 17 Thank you, Judge.

09:50:43 18 THE COURT: Very well. The Court's ready to act.  
09:50:47 19 Does the government need to be heard further?

09:50:51 20 MR. MCKENZIE: The only thing I was going to add,  
09:50:53 21 Your Honor, was that we are not talking about testing the  
09:50:55 22 evidence. We're challenging charging decisions, which the  
09:51:02 23 agents don't make, the witnesses don't make. And so injecting  
09:51:04 24 that into the examination, it's impossible for them to  
09:51:09 25 respond.

09:51:09 1 It's basically a legal argument that is impossible for us  
09:51:12 2 to respond to. That's our problem. That's why we believe  
09:51:16 3 it's unfairly prejudicial.

09:51:19 4 THE COURT: Very well. I've ruled on this  
09:51:23 5 previously. The current United States motion to exclude  
09:51:28 6 evidence is granted. The Court precludes any reference in  
09:51:40 7 questioning, in argument, any information related to the fact  
09:51:43 8 that the Xu defendant was not charged in the Southern District  
09:51:50 9 of California and not all the trial evidence was included in  
09:51:54 10 the extradition request. Both are irrelevant and misleading.  
09:51:58 11 Arguing that the Southern District of California would have  
09:52:01 12 indicted him if there was sufficient evidence is not a valid  
09:52:08 13 argument. The charging decision in federal court is a  
09:52:11 14 question of discretion. The prosecutor from the Southern  
09:52:17 15 District of California is not on the stand.

09:52:18 16 And in any event, what the prosecutor decided to do or  
09:52:22 17 not do in the Southern District of California is not relevant  
09:52:26 18 to the charges here in the Ohio Southern District. If the  
09:52:31 19 evidence is insufficient related to Safran, then the defense  
09:52:35 20 is welcome to raise that, but they cannot do so by second-  
09:52:42 21 guessing or making assumptions related to another district's  
09:52:45 22 prosecutor's decision. Prejudice is not even at issue because  
09:52:49 23 the argument is patently irrelevant.

09:52:55 24 I will instruct jurors regarding the Southern District of  
09:52:59 25 California being irrelevant if necessary.

09:53:01 1           The Court's ruling is clear and the parties will abide by  
09:53:05 2 it.

09:53:07 3           Are we ready for the jury from the government's  
09:53:10 4 perspective?

09:53:11 5           MR. MCKENZIE: Yes, Your Honor.

09:53:12 6           THE COURT: From the defense?

09:53:13 7           MR. McBRIDE: Yes, Your Honor.

09:53:14 8           THE COURT: Let's call for the jury.

09:54:34 9           (Jury in at 9:54 a.m.)

09:54:40 10          THE COURT: You may all be seated. The 15 jurors  
09:54:43 11 have rejoined us in the courtroom.

09:54:45 12          I've kept you waiting again. Good morning. We are going  
09:54:50 13 to continue with the testimony of the witness on the stand who  
09:54:53 14 remains under oath. Now it's defense counsel's opportunity to  
09:55:00 15 cross-examine the witness.

09:55:01 16          We are going to be going in chunks again of about 30  
09:55:04 17 minutes.

09:55:08 18          The defense may proceed to cross-examination.

09:55:11 19          MR. McBRIDE: Thank you, Your Honor.

09:55:12 20          THE COURT: Very well.

09:55:24 21          MR. McBRIDE: Judge, may I remove my mask?

09:55:26 22          THE COURT: Yes.

09:55:27 23          MR. McBRIDE: Thank you.

09:55:34 24          THE COURT: For purpose of the court reporter,  
09:55:36 25 please state your name, and would you spell names because this

CROSS - HULL (McBride)

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09:55:39 1 is her first time in the room on this.

09:55:41 2 MR. McBRIDE: Yes, Your Honor.

09:55:42 3 THE COURT: Thank you.

09:55:42 4 **BRADLEY HULL, PLAINTIFF WITNESS, PREVIOUSLY SWORN**

09:55:43 5 **CROSS-EXAMINATION**

09:55:43 6 BY MR. McBRIDE:

09:55:44 7 Q. Good morning, Agent Hull. My name is Bob McBride.

09:55:47 8 MR. McBRIDE: For the court reporter, I will spell  
09:55:49 9 my last name. M-C-capital-B-R-I-D-E.

09:56:02 10 BY MR. McBRIDE:

09:56:02 11 Q. Agent Hull, I know that you are a Supervisory Special  
09:56:07 12 Agent, but do you mind if I just refer to you as Special Agent  
09:56:10 13 Hull for the purposes of simplicity today?

09:56:13 14 A. That's fine.

09:56:14 15 Q. Okay. Thank you. Also, I promise you I will not keep  
09:56:18 16 you on the stand over three days. Okay?

09:56:25 17 THE COURT: That was a joke; is that right?

09:56:27 18 MR. McBRIDE: It was. My poor attempt at humor.

09:56:28 19 THE COURT: Ho-ho-ho. I just wanted to be clear.

09:56:36 20 BY MR. McBRIDE:

09:56:37 21 Q. Also, if I ask a question you don't understand or I've  
09:56:41 22 been unclear, please tell me so, and I'll try to ask you a  
09:56:44 23 better question, okay?

09:56:46 24 A. Okay.

09:56:50 25 Q. I'd like to start off where we left on Friday, which is

HULL - CROSS (McBride)

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09:56:58 1 with the pictures that were shown to the jury that Mr. Heng  
09:57:06 2 had on his cell phone.

09:57:11 3 I believe that you opined that Mr. Heng and Mr. Xu had  
09:57:18 4 these photographs in case Dr. Zheng did not cooperate; is that  
09:57:25 5 correct?

09:57:25 6 **A.** Yes.

09:57:28 7 **Q.** And the implication was that they would somehow threaten  
09:57:33 8 them, threaten Dr. Zheng with these photographs; is that  
09:57:37 9 correct?

09:57:37 10 **A.** Yes.

09:57:38 11 **Q.** All right. I'd like to explore that opinion.

09:57:45 12 MR. McBRIDE: Your Honor, may I publish to the jury  
09:57:48 13 Government's Exhibit 6g, which is already admitted into  
09:57:50 14 evidence?

09:57:51 15 THE COURT: Yes.

09:57:52 16 MR. McBRIDE: Thank you.

09:57:52 17 THE COURT: Give us a moment.

09:57:54 18 MR. McBRIDE: May I approach the jury, Your Honor,  
09:57:57 19 and the witness?

09:57:58 20 THE COURT: You are going to approach the witness?

09:58:01 21 MR. McBRIDE: The jury and the witness, just hand  
09:58:03 22 them these documents.

09:58:04 23 THE COURT: Yes. 6g is on the screen.

09:58:08 24 MR. McBRIDE: Oh, g is on the screen?

09:58:10 25 THE COURT: You asked to publish it?

HULL - CROSS (McBride)

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09:58:13 1 MR. McBRIDE: Yes, Your Honor.

09:58:13 2 THE COURT: The jury can see it on the screen.

09:58:15 3 MR. McBRIDE: And it's 8g. I'm sorry.

09:58:18 4 THE COURT: You want 8g?

09:58:20 5 MR. McBRIDE: 8g, Judge.

09:58:26 6 THE COURT: We will get 8g up momentarily.

09:58:29 7 They are on the screen. Do you want them to have paper

09:58:33 8 copies?

09:58:33 9 MR. McBRIDE: No, Your Honor. I was going to hand

09:58:35 10 them out because the government did before.

09:58:37 11 THE COURT: If you wish to, you may.

09:58:40 12 MR. McBRIDE: That's quite all right, as long as the

09:58:42 13 jury can see these. Thank you, Judge.

09:58:44 14 BY MR. McBRIDE:

09:58:45 15 Q. And, Agent Hull, you can see that 8g on the screen, that

09:58:48 16 first page?

09:58:50 17 THE COURT: I have got hands up from the jurors.

09:58:54 18 MR. MANGAN: May I ask, is this visible to the

09:58:57 19 gallery?

09:58:58 20 THE COURT: It is not visible to the gallery.

09:59:03 21 Would you accommodate me and let me reverse course and

09:59:06 22 ask you to present the photographs in hard copy to the jurors?

09:59:10 23 MR. McBRIDE: Absolutely, Your Honor.

09:59:26 24 May I first hand one to the agent?

09:59:30 25 THE COURT: Yes.

HULL - CROSS (McBride)

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10:00:07 1 BY MR. McBRIDE:

10:00:08 2 Q. Agent Hull, I saw you looking at all the photographs.

10:00:10 3 Are they all there for Exhibit 8g?

10:00:13 4 A. Those that were provided by the government, yes.

10:00:16 5 Q. Thank you.

10:00:17 6 THE COURT: Let me pause and make sure the jurors

10:00:19 7 have copies. Is there a juror who does not have a copy?

10:00:24 8 THE JUROR: Three of us.

10:00:25 9 THE COURT: There are a bunch in the back row and

10:00:27 10 some in the front.

10:00:29 11 I would ask you to share, but the three of you in the

10:00:32 12 front left are going to need at least one copy.

10:00:35 13 Is there any juror who is not able to see the packet of

10:00:38 14 photographs?

10:00:39 15 I see no hands.

10:00:41 16 You may proceed, Mr. McBride.

10:00:44 17 MR. McBRIDE: Thank you, Your Honor.

10:00:46 18 BY MR. McBRIDE:

10:00:46 19 Q. So, Agent, I think you testified when you are discussing

10:00:49 20 these exhibits that Mr. Heng got them off of WeChat; is that

10:00:56 21 correct?

10:00:56 22 A. WeChat and QQ, to our understanding.

10:01:00 23 Q. QQ is an earlier version of WeChat, is it not?

10:01:03 24 A. It's a different application.

10:01:05 25 Q. Both operated by Tenent, correct?

HULL - CROSS (McBride)

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10:01:09 1       **A.**   Tencent.

10:01:11 2       **Q.**   Tencent, thank you.

10:01:16 3              So I'm curious, if Mr. -- or Dr. Zheng put these on

10:01:23 4              WeChat, how they could be used as a threat. So we're going to

10:01:32 5              talk about that.

10:01:34 6              So WeChat and QQ have what, about -- do you know whether

10:01:38 7              it has -- what? About a billion subscribers, do you think

10:01:44 8              that's about right?

10:01:45 9        **A.**   I could believe that, yes.

10:01:49 10      **Q.**   Okay. And you also testified earlier that it was a lot

10:01:49 11      like Facebook where you could download pictures; is that

10:01:53 12      correct?

10:01:53 13      **A.**   You can upload pictures, yes.

10:01:55 14      **Q.**   Upload pictures, okay. And they can also be downloaded,

10:01:59 15      correct?

10:01:59 16      **A.**   I'm not familiar with that part.

10:02:01 17      **Q.**   Okay. That's fair. But with WeChat and QQ, you can

10:02:06 18      download pictures, correct?

10:02:07 19      **A.**   Again, you can upload. I'm familiar with that portion

10:02:11 20      of it. I am not familiar with the download portion of it.

10:02:13 21      **Q.**   So you don't know whether or not they could be

10:02:15 22      downloaded?

10:02:16 23      **A.**   Well, they clearly can because they were in the MSS's

10:02:20 24      possession.

10:02:21 25      **Q.**   Fair enough. So Dr. Zheng published these pictures on an

HULL - CROSS (McBride)

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10:02:28 1 application that about a billion people subscribe to; is that  
10:02:32 2 right?  
10:02:32 3 **A.** Again, a billion possibly, yes.  
10:02:37 4 **Q.** And, of course, WeChat and QQ are heavily used in China,  
10:02:41 5 correct?  
10:02:41 6 **A.** Yes.  
10:02:42 7 **Q.** They are, of course, Chinese applications?  
10:02:45 8 **A.** They are.  
10:02:45 9 **Q.** And as you testified, they are applications that have  
10:02:51 10 additions to them other than Facebook, correct?  
10:02:54 11 **A.** Yes.  
10:02:54 12 **Q.** Things like you can pay bills with it, correct?  
10:02:59 13 **A.** Yes.  
10:02:59 14 **Q.** And you can chat with multiple people in the same stream,  
10:03:03 15 correct?  
10:03:03 16 **A.** Yes.  
10:03:04 17 **Q.** All right. Very good. So I'm curious about these  
10:03:08 18 pictures and why they're a threat, and so I would like to look  
10:03:12 19 at them, all right?  
10:03:15 20 Let's first turn to Government Exhibit 8g, page 1. Let's  
10:03:24 21 look to the left of that image. Do you see anyone in  
10:03:32 22 Dr. Zheng's family in that image?  
10:03:36 23 **A.** I do not.  
10:03:38 24 **Q.** That's sort of an image of somebody watching some sort of  
10:03:43 25 event or at some sort of picnic or something like that?

HULL - CROSS (McBride)

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10:03:48 1 A. I believe it's Voice of America Park in Mason.

10:03:51 2 Q. Say again, please.

10:03:52 3 A. I believe it's Voice of America Park in Mason.

10:03:55 4 Q. Very good. Thank you. And then the picture on the

10:03:58 5 right, I think you testified, is a picture of Dr. Zheng's

10:04:03 6 garden, correct?

10:04:03 7 A. I believe it is, yes.

10:04:04 8 Q. Are they going to threaten Dr. Zheng because they have a

10:04:09 9 picture of his garden?

10:04:10 10 A. Well, these are a collection of more than 200 images

10:04:17 11 that were brought to the meeting by the MSS. So speaking to

10:04:21 12 one of these individual images is a bit disingenuous.

10:04:26 13 Q. Well, I assume that the government picked out the most

10:04:30 14 salacious -- or pardon me -- damaging -- let me strike that.

10:04:35 15 I suppose the government picked out the best examples to put

10:04:38 16 in this compilation exhibit of what could be used to leverage

10:04:42 17 Dr. Zheng; is that fair?

10:04:45 18 A. No.

10:04:46 19 Q. Why isn't it fair?

10:04:47 20 A. They were selected so they would be an example. And if

10:04:53 21 you go further into the packet --

10:04:56 22 Q. Agent, I'm not asking any questions about going further

10:05:00 23 in the packet, although we will.

10:05:03 24 So you're telling me that the government isn't picking

10:05:06 25 out the best examples of photographs that can be used to

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10:05:10 1 leverage Dr. Zheng to support your opinion. Is that what  
10:05:13 2 you're telling me?

10:05:14 3 **A.** They're a selection.

10:05:16 4 **Q.** That's not an answer to my question. Are you telling me  
10:05:19 5 that the government did not pick out the best examples of  
10:05:23 6 photographs that could be used to leverage Dr. Zheng? Yes or  
10:05:29 7 no.

10:05:29 8 **A.** They are a selection of photographs selected by the  
10:05:32 9 government as examples in the total collection.

10:05:35 10 **Q.** So I will take that as a "no."  
10:05:41 11 Let's look to Exhibit Number 2. I'm sorry. Page number  
10:05:48 12 2.  
10:05:55 13 These photographs appear to be a copy or pictures of  
10:05:58 14 Dr. Zheng on vacation, do they not?  
10:06:01 15 **A.** They do.  
10:06:01 16 **Q.** And so the MSS is going to threaten Dr. Zheng because  
10:06:07 17 he's on vacation; is that right?  
10:06:11 18 **A.** I think it shows that they took their time to learn  
10:06:17 19 about their target.  
10:06:19 20 **Q.** Well, what do you base that opinion on? You weren't  
10:06:23 21 there when these pictures were downloaded, were you?  
10:06:26 22 **A.** I was not.  
10:06:26 23 **Q.** And you don't know these people personally, do you?  
10:06:30 24 **A.** Whom?  
10:06:32 25 **Q.** Xu or Heng?

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10:06:37 1       **A.** I do not know them personally, no.

10:06:40 2       **Q.** In fact, you never even interviewed either of these two

10:06:43 3 gentlemen, did you?

10:06:43 4       **A.** Your defendant would not speak with us. Your client,

10:06:46 5 rather. Excuse me.

10:06:46 6       **Q.** Well, that's his constitutional right, is it not?

10:06:50 7       **A.** Absolutely.

10:06:50 8       **Q.** So you are attacking him for exercising his

10:06:54 9 constitutional right?

10:06:55 10      **A.** I am not.

10:06:56 11      **Q.** Because, of course, you are an officer of the United

10:06:58 12 States, correct?

10:06:59 13      **A.** I am.

10:06:59 14      **Q.** So back to my question. MSS is going to threaten

10:07:05 15 Dr. Zheng because he went on vacation. Is that what you're

10:07:09 16 telling this jury?

10:07:10 17      **A.** No. I'm saying -- I'm simply indicating the presence

10:07:14 18 of over 200 images brought to a meeting in a foreign country

10:07:20 19 could be used as a means for coercion.

10:07:25 20      **Q.** Could be. And that's why we're exploring this question.

10:07:29 21           I don't understand how they could be since these are the

10:07:34 22 government's selection of photographs, are they not?

10:07:37 23      **A.** Yes.

10:07:39 24      **Q.** All right. Let's move to Exhibit -- or page number 3.

10:07:45 25           I believe on the left-hand side we have a picture of

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10:07:50 1 somebody shoveling snow. Do you know who that is?

10:07:54 2 **A.** I do not.

10:07:55 3 **Q.** All right. You don't know whether it's Dr. Zheng, do

10:07:58 4 you?

10:07:58 5 **A.** I do not.

10:07:59 6 **Q.** Because you can't see that person's face, can you?

10:08:01 7 **A.** No.

10:08:04 8 **Q.** All right. And then on the right, we have two kids in

10:08:07 9 winter jackets, correct?

10:08:08 10 **A.** Yes.

10:08:09 11 **Q.** All right.

10:08:13 12 **A.** They appear to be trick-or-treating.

10:08:16 13 **Q.** Yes, they do.

10:08:17 14 So you're assuming these are Dr. Zheng's kids?

10:08:20 15 **A.** I know they are not.

10:08:21 16 **Q.** You know they are not Dr. Zheng's kids?

10:08:26 17 **A.** I do.

10:08:27 18 **Q.** So I really don't see the threat value here of Government

10:08:32 19 Exhibit Number -- or page number 3. Do you?

10:08:37 20 **A.** Again, it's a collection of images that the MSS brought

10:08:44 21 to a meeting.

10:08:46 22 **Q.** And a collection of images the government put in a

10:08:49 23 composite exhibit to show the dangerous exhibits that could be

10:08:53 24 used to leverage Dr. Zheng, correct?

10:08:55 25 **A.** Yes.

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10:08:57 1 Q. But that -- those two particular images don't have  
10:09:03 2 anything to do with Dr. Zheng, do they?  
10:09:05 3 A. The one on the right is outside his home.  
10:09:09 4 Q. Well, you don't know who's shoveling snow outside his  
10:09:13 5 home, do you?  
10:09:13 6 A. That would be the one on the left. I said the one on  
10:09:16 7 the right.  
10:09:16 8 Q. My apologies. Have you been to Dr. Zheng's home?  
10:09:20 9 A. I have.  
10:09:21 10 Q. So you surveilled Dr. Zheng's home?  
10:09:25 11 A. Yes.  
10:09:25 12 Q. Okay. But you don't know who those kids are?  
10:09:28 13 A. I do not.  
10:09:29 14 Q. So they are going to threaten Dr. Zheng with pictures of  
10:09:34 15 primroses and a pathway in his front yard?  
10:09:37 16 A. Potentially.  
10:09:38 17 Q. Why? You were able to surveil him there. You didn't  
10:09:44 18 threaten him, did you?  
10:09:45 19 A. No, I did not.  
10:09:46 20 Q. So I assume it's because the MSS can show they know where  
10:09:50 21 he lives. Is that what you're saying?  
10:09:52 22 A. That would be a fair conclusion.  
10:09:54 23 Q. Well, where he lives is a matter of public information,  
10:09:58 24 is it not?  
10:09:58 25 A. Inside the United States it is.

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10:10:01 1       **Q.**     You're telling me that you can't get on the Internet and  
10:10:04 2     find Dr. Zheng's address?  
10:10:07 3       **A.**     You could.  
10:10:07 4       **Q.**     Are you telling me that you can't get on the Internet and  
10:10:11 5     see the Google images of his house?  
10:10:16 6       **A.**     You can.  
10:10:17 7       **Q.**     Okay. And so if MSS is such an elite spy organization,  
10:10:22 8     you figure they can do that too, right?  
10:10:24 9       **A.**     Yes.  
10:10:24 10      **Q.**     Okay. Let's turn to page 4.  
10:10:35 11                  The image on the left appears to be Dr. Zheng at the  
10:10:41 12     Flying Pig, correct?  
10:10:43 13       **A.**     It appears so, yes.  
10:10:44 14       **Q.**     Do you know how many people participate in the Flying  
10:10:47 15     Pig?  
10:10:47 16       **A.**     I do not.  
10:10:48 17       **Q.**     Do you ever run it?  
10:10:52 18       **A.**     No.  
10:10:52 19       **Q.**     And the image on the right appears to be Dr. Zheng  
10:10:56 20     standing in front of one of our bridges at the Ohio River; is  
10:10:59 21     that correct?  
10:10:59 22       **A.**     Yes. My recollection, this was a game day for GE  
10:11:03 23     employees.  
10:11:04 24       **Q.**     Okay. So the MSS is going to threaten him because he ran  
10:11:08 25     the Flying Pig, right?

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10:11:13 1       **A.**     No.

10:11:14 2       **Q.**     Is that what you are telling us?

10:11:15 3       **A.**     No. Again, it's the totality of the images.

10:11:18 4       **Q.**     I understand that. But these are the selection the

10:11:20 5                  government picked out, correct?

10:11:22 6       **A.**     They are a selection, yes.

10:11:24 7       **Q.**     And these are the ones the government is representing to

10:11:27 8                  the jury are the most important images for the sake of

10:11:38 9                  leveraging Dr. Zheng; is that correct?

10:11:39 10      **A.**     They are examples.

10:11:40 11      **Q.**     So I will take that as a "yes," Agent.

10:11:46 12                  Let's turn to page 5.

10:11:52 13                  Would you agree with me that the image on the left is

10:11:55 14                  Dr. Zheng having finished the Flying Pig?

10:12:00 15      **A.**     Based on the memo, I would agree, yes.

10:12:04 16      **Q.**     And in the middle there is Dr. Zheng in a park somewhere.

10:12:09 17                  Do you know that location?

10:12:11 18      **A.**     I do not.

10:12:11 19      **Q.**     And on the right we have Dr. Zheng in a river. Do you

10:12:15 20                  know what that location is?

10:12:17 21      **A.**     I remember asking about it once, but I don't remember

10:12:20 22                  precisely at this moment, no.

10:12:22 23      **Q.**     So it's somewhere in the area, Little Miami or somewhere

10:12:25 24                  like that; is that correct?

10:12:26 25      **A.**     I really don't remember.

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10:12:27 1 Q. Okay. That's fair. And so these images of Dr. Zheng  
10:12:31 2 doing certain leisure activities, the MSS is going to leverage  
10:12:38 3 these again him. Is that what you are telling us?  
10:12:41 4 A. It could be, yes.  
10:12:43 5 Q. So Dr. Zheng attends the public Flying Pig, and that  
10:12:48 6 could be used to leverage him?  
10:12:50 7 A. Yes. Intimidation.  
10:12:53 8 Q. How is the MSS going to intimidate him from China in  
10:12:59 9 Cincinnati?  
10:13:01 10 A. Quite easily.  
10:13:03 11 Q. Why don't you tell us how.  
10:13:05 12 A. He still has family in China.  
10:13:07 13 Q. Well, that's -- that's true. Wouldn't it be a whole lot  
10:13:10 14 easier for MSS to threaten the family in China?  
10:13:14 15 A. It could, yes.  
10:13:15 16 Q. Well, they've got control over the family in China, don't  
10:13:20 17 they?  
10:13:20 18 A. Yes.  
10:13:21 19 Q. And they also have access to all their information, their  
10:13:25 20 emails, their texts, all of that in China, don't they?  
10:13:27 21 A. They do.  
10:13:28 22 Q. So it doesn't really make much sense to show Dr. Zheng  
10:13:34 23 pictures of his life in America when they've got his family  
10:13:36 24 back home, correct?  
10:13:37 25 A. I would -- I would disagree with that statement.

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10:13:42 1       **Q.** Well, I understand you disagree with it, but the logic  
10:13:45 2 is, is it not, that the family in China is a lot more  
10:13:49 3 accessible than the family in Cincinnati, right?  
10:13:51 4       **A.** But, again, if you are going to coerce, you go to the  
10:13:55 5 one that you are closer to, which would include yourself  
10:13:59 6 and, in later images, your spouse and your child.  
10:14:03 7       **Q.** Agent, you know very well that in Chinese culture  
10:14:09 8 familial piety, in other words, honoring your elders, is an  
10:14:14 9 extremely important cultural imperative; is it not?  
10:14:18 10      **A.** It is.  
10:14:18 11      **Q.** And so you honor your relatives, correct? In China, you  
10:14:27 12 honor your relatives, correct?  
10:14:28 13      **A.** Yes.  
10:14:29 14      **Q.** And that actually is a duty in the Chinese culture, is it  
10:14:33 15 not?  
10:14:34 16      **A.** It is.  
10:14:34 17      **Q.** So what you're saying is Dr. Zheng cares less about his  
10:14:39 18 family in China than he does about his activities in the  
10:14:44 19 United States. Is that what you're telling us?  
10:14:47 20      **A.** I am not.  
10:14:47 21      **Q.** Let's turn to page 6.  
10:15:00 22                  On the left, there is Dr. Zheng going into a tennis  
10:15:05 23 match, correct?  
10:15:05 24      **A.** Yes.  
10:15:06 25      **Q.** And that's a public event, is it not?

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10:15:09 1 A. It is. It appears to be the Southern-Western Open.

10:15:12 2 Q. And thousands of people attend that event, don't they?

10:15:15 3 A. They do.

10:15:16 4 Q. So that's not exactly something that MSS is going to use

10:15:25 5 to exploit Dr. Zheng, is it?

10:15:26 6 A. Again, the totality of the images.

10:15:29 7 Q. Let's go to that, the totality of the image. You could

10:15:33 8 download 200 images with the click of a mouse, couldn't you?

10:15:38 9 A. On WeChat, I could not.

10:15:39 10 Q. Well, but somebody could?

10:15:41 11 A. The MSS could.

10:15:43 12 Q. Absolutely. Or somebody who had friended Dr. Zheng on

10:15:49 13 WeChat too, correct?

10:15:51 14 A. I honestly couldn't answer that. I don't know.

10:15:56 15 Q. But you don't know download -- that's right. You told us

10:15:59 16 you don't know how to download images from WeChat; is that

10:16:02 17 correct?

10:16:02 18 A. I have never done it before.

10:16:03 19 Q. All right. So you're not even sure if the MSS could do

10:16:06 20 it, are you?

10:16:06 21 A. I know that the 200-plus images were downloaded in 28

10:16:11 22 seconds based on the time stamp of the images themselves.

10:16:14 23 Q. Right. That's what computers do; they download images

10:16:17 24 quickly, right?

10:16:17 25 A. Especially if the MSS has control over the application,

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10:16:17 1 they certainly do.

10:16:22 2 Q. You don't have any evidence MSS has control over that

10:16:27 3 application, do you?

10:16:28 4 A. I know it happened in 28 seconds.

10:16:29 5 Q. And, again, computers make downloading images fast, don't

10:16:32 6 they?

10:16:33 7 A. Potentially, yes.

10:16:34 8 Q. So the answer is "yes" to that question, okay.

10:16:36 9 Look at the right side of that picture.

10:16:41 10 It's Dr. Zheng in a parking lot. Is he at the tennis

10:16:45 11 match in that picture, do you know?

10:16:47 12 A. I actually don't believe the picture on the right is

10:16:50 13 Dr. Zheng.

10:16:51 14 Q. It is Dr. Zheng?

10:16:52 15 A. I don't know that it is.

10:16:53 16 Q. Okay. So now we have one of these pictures that we don't

10:16:56 17 even know if it's Dr. Zheng, correct?

10:17:00 18 A. Yes.

10:17:01 19 Q. So, again, this is one of the examples the government

10:17:07 20 picked out to show how Dr. Zheng could be leveraged, and it's

10:17:11 21 not anybody we know; is that correct?

10:17:13 22 A. It's an example of the picture of the 200 plus, yes.

10:17:17 23 Q. I will take that as a "yes."

10:17:21 24 THE COURT: I'm going to caution you about

10:17:23 25 testifying.

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10:17:25 1 MR. McBRIDE: Yes, Your Honor.

10:17:26 2 THE COURT: If you want to get a comment from him,

10:17:28 3 ask your question.

10:17:30 4 MR. McBRIDE: Yes, Your Honor.

10:17:30 5 BY MR. McBRIDE:

10:17:31 6 Q. Let's look at page 7.

10:17:32 7 And the image on the left, what does that appear to be?

10:17:46 8 A. That's the Eiffel Tower.

10:17:50 9 Q. So we believe that's in France, do we not?

10:17:52 10 A. It is in France.

10:17:54 11 Q. Okay. There is nothing illegal about going to France, is

10:17:58 12 there?

10:17:59 13 A. Not to the best of my knowledge, no.

10:18:01 14 Q. And let's look at the image on the right. Is that also

10:18:07 15 in France?

10:18:08 16 A. It's The Louvre.

10:18:09 17 Q. It's The Louvre in France?

10:18:11 18 A. It's in Paris.

10:18:13 19 Q. And, again, there's nothing wrong or illegal about

10:18:19 20 visiting The Louvre, is there?

10:18:22 21 A. No.

10:18:23 22 Q. Let's go to page number 8.

10:18:26 23 Do you know who the baby is on the left?

10:18:29 24 A. I do, yes.

10:18:29 25 Q. Who is it?

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10:18:30 1       **A.** It's Dr. Zheng's son.

10:18:32 2       **Q.** How old is Dr. Zheng's son?

10:18:35 3       **A.** Now?

10:18:36 4                    MR. MANGAN: Objection.

10:18:37 5                    THE COURT: Basis?

10:18:38 6                    MR. MANGAN: Relevance.

10:18:39 7                    THE COURT: I don't see the relevance, but I'll give

10:18:41 8 you some latitude.

10:18:42 9                    What was the question, Mr. McBride?

10:18:46 10                  MR. McBRIDE: Thank you, Your Honor.

10:18:46 11                  BY MR. McBRIDE:

10:18:47 12       **Q.** So on the left, this is Dr. Zheng's baby, correct?

10:18:49 13       **A.** Yes.

10:18:50 14       **Q.** And, again, this is one of the photos that the government

10:18:52 15 picked out to show leverage against Dr. Zheng, correct?

10:18:56 16       **A.** Yes.

10:18:57 17       **Q.** And the baby's where? At home in this picture?

10:19:00 18       **A.** It could be, yes.

10:19:01 19       **Q.** All right. And so what you are saying is the MSS can get

10:19:04 20 to this baby. Is that what you're saying?

10:19:06 21       **A.** I'm saying it's a tool for coercion. I doubt any juror

10:19:11 22 member would like to see a picture of their child by a

10:19:14 23 stranger in a foreign country.

10:19:18 24       **Q.** Except that Dr. Zheng uploaded all of these images to a

10:19:24 25 platform that had one billion users, correct?

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10:19:28 1       **A.**     Certainly, just like Facebook. But I'm sure everybody  
10:19:33 2     doesn't want every image they put on Facebook seen by the  
10:19:37 3     world, or used by the MSS.

10:19:39 4       **Q.**     And, of course, you are speculating about what other  
10:19:42 5     people might want or might not want, correct?

10:19:45 6       **A.**     I certainly wouldn't want it.

10:19:46 7       **Q.**     Fair enough. But you can't speak for everyone, can you?

10:19:48 8       **A.**     I cannot.

10:19:49 9       **Q.**     All right. And, of course, the picture on the right is  
10:19:51 10     Dr. Zheng's wife; is that correct?

10:19:53 11      **A.**     And his son, yes.

10:19:54 12      **Q.**     And his son, thank you.

10:19:57 13           And, again, he uploaded this image to WeChat, correct?

10:20:04 14           Or QQ?

10:20:05 15      **A.**     Yes.

10:20:06 16      **Q.**     And there are about a billion people that have access to  
10:20:12 17     images -- or a billion people use WeChat and QQ, correct?

10:20:18 18      **A.**     Yes.

10:20:27 19           MR. McBRIDE: May I have a moment, Your Honor?

10:20:29 20           THE COURT: Yes.

10:20:32 21           (Pause. )

10:20:39 22           BY MR. McBRIDE:

10:20:39 23      **Q.**     So I think you also testified, Agent, that there were a  
10:20:42 24     number of other people who Qu Hui or Mr. Xu invited to do  
10:20:55 25     lectures, correct?

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10:20:56 1 **A.** Yes.

10:20:56 2 **Q.** And they would include Linda Li, correct?

10:21:00 3 **A.** Yes.

10:21:01 4 **Q.** You found no evidence of threats or leverage against

10:21:05 5 Linda Li, did you?

10:21:06 6 **A.** I wasn't the case agent on that investigation.

10:21:09 7 **Q.** Okay. So you don't know?

10:21:10 8 **A.** I was not the case agent on that investigation.

10:21:12 9 **Q.** And if you are not the case agent, then you don't know?

10:21:16 10 **A.** I didn't do the investigation, so I couldn't say one

10:21:18 11 way or the other.

10:21:19 12 **Q.** Put it this way: You didn't find any evidence of threats

10:21:22 13 against Linda Li, did you?

10:21:24 14 **A.** I did not, but I was not the case agent on the

10:21:27 15 investigation.

10:21:28 16 **Q.** I'm only asking what you found.

10:21:30 17 Did you find any threats against Arthur Gau in your

10:21:35 18 evidence?

10:21:36 19 **A.** No.

10:21:36 20 **Q.** There were others. Did you find any threats against any

10:21:41 21 other person who Mr. Xu invited to do a professional exchange?

10:21:51 22 **A.** I did not, but then those were also the only

10:21:55 23 operational devices anyone recovered from the MSS. So it is

10:21:59 24 unknown to me if there were similar instances with any other

10:22:04 25 exchange invitee.

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10:22:05 1 Q. So it sounds like you are speculating that there might  
10:22:08 2 be; is that correct?

10:22:09 3 A. I'm saying that we have two phones with two MSS  
10:22:13 4 officers and one of them did.

10:22:16 5 Q. But for the others that were invited, there are no  
10:22:18 6 threats against them, are there?

10:22:20 7 A. Not that I am aware of.

10:22:22 8 Q. Okay, fair. All right.

10:22:26 9 THE COURT: If you're done with the photos, can we  
10:22:29 10 collect them, please?

10:22:30 11 MR. McBRIDE: Oh, yes. Thank you, Judge. May I  
10:22:33 12 approach the jury?

10:22:35 13 THE COURT: Yes.

10:22:37 14 MR. McBRIDE: And the agent?

10:22:40 15 THE COURT: Yes.

10:23:06 16 And for planning purposes, we're rolling up on a recess.

10:23:14 17 MR. McBRIDE: Yes, sir.

10:23:16 18 THE COURT: You don't have to do it right this  
10:23:19 19 minute.

10:23:21 20 BY MR. McBRIDE:

10:23:21 21 Q. One more follow-up on the photographs.

10:23:24 22 Mr. Xu never made it to the meeting in Belgium with  
10:23:34 23 Dr. Zheng, did they?

10:23:35 24 A. No.

10:23:36 25 Q. Because you arrested him?

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10:23:38 1 A. The Belgian federal police arrested him.

10:23:41 2 Q. You were there, correct?

10:23:42 3 A. I was in Brussels. I was not at the scene.

10:23:45 4 Q. You were not at the scene.

10:23:45 5 A. No.

10:23:47 6 Q. And of course you couldn't have arrested him because you

10:23:49 7 are not a law enforcement officer in Belgium, are you?

10:23:51 8 A. That's correct.

10:23:52 9 Q. Let me get to my question. Dr. Zheng was never coerced

10:23:56 10 or even saw these documents that Heng had, did he?

10:23:59 11 A. In Brussels, no, he did not.

10:24:01 12 Q. You showed them to him afterwards?

10:24:04 13 A. Yes.

10:24:04 14 Q. What was your purpose in showing them to him?

10:24:06 15 A. We wanted to know where they were from because we were

10:24:09 16 concerned for his safety.

10:24:14 17 MR. McBRIDE: Judge, are we close enough to stop?

10:24:16 18 THE COURT: Yes.

10:24:17 19 MR. McBRIDE: Thank you, Your Honor.

10:24:18 20 THE COURT: We have been at it 30 minutes. We are

10:24:23 21 going to take a break, 15 minutes. During the break, please

10:24:26 22 take a break. Don't discuss the case with anyone, including

10:24:27 23 among yourselves. No independent research. Continue to keep

10:24:30 24 an open mind.

10:24:30 25 We will rise as you leave for a 15-minute recess.

10:24:34 1 THE COURTROOM DEPUTY: All rise for the jury.

10:24:35 2 THE COURT: We are going to make it 20 minutes.

10:24:38 3 We'll see you at a quarter of.

10:24:42 4 (Jury out at 10:24 a.m.)

10:25:19 5 THE COURT: The jury's left the room. The door's

10:25:21 6 closed. 20-minute recess.

10:25:23 7 Anything require my attention before the recess from the

10:25:27 8 government?

10:25:27 9 MR. MANGAN: No, Your Honor.

10:25:30 10 THE COURT: Defense?

10:25:32 11 MR. McBRIDE: No, Your Honor.

10:25:40 12 THE COURT: We are in recess for 20 minutes.

10:25:40 13 THE COURTROOM DEPUTY: The court is now in recess.

10:25:42 14 (Recess from 10:25 a.m. until 10:43 a.m.)

10:43:53 15 THE COURT: Are we ready for the jury from the

10:43:54 16 government's perspective?

10:43:56 17 MR. MANGAN: Yes, Your Honor.

10:43:57 18 THE COURT: From the defense?

10:43:58 19 MR. McBRIDE: Yes, sir.

10:43:59 20 THE COURT: Let's call for the jury, please.

10:44:45 21 THE COURTROOM DEPUTY: All rise for the jury.

10:44:56 22 (Jury in at 10:45 a.m.)

10:45:20 23 THE COURT: All 15 jurors have returned to the

10:45:23 24 courtroom.

10:45:23 25 We will continue the cross-examination. The witness

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10:45:27 1 remains under oath.

10:45:28 2 You may proceed, Mr. McBride.

10:45:30 3 MR. McBRIDE: Thank you, Your Honor.

10:45:31 4 THE COURT: Very well.

10:45:33 5 BY MR. McBRIDE:

10:45:41 6 Q. Agent Hull, I'd like to switch topics now. You testified

10:45:46 7 about your educational experience, and I would like to talk to

10:45:49 8 you about that a little bit if I may.

10:45:52 9 One of my notes indicates that you went to Xavier

10:45:55 10 University; is that correct?

10:45:56 11 A. No.

10:45:58 12 Q. Okay. Apologies. You did your undergraduate at

10:46:03 13 University of Edinburgh, correct?

10:46:04 14 A. Yes.

10:46:05 15 Q. Can you tell us what dates you attended University of

10:46:11 16 Edinburgh for your undergraduate degree?

10:46:14 17 A. 1998 until 2001.

10:46:22 18 Q. How did you end up at University of Edinburgh?

10:46:26 19 A. They accepted me.

10:46:27 20 Q. You are not from England, are you?

10:46:30 21 A. It was in Scotland. And, no, I am not.

10:46:33 22 Q. Scotland, pardon me. You are correct.

10:46:36 23 Where are you from originally?

10:46:37 24 A. From Ohio.

10:46:38 25 Q. Where in Ohio?

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10:46:39 1      **A.**    Central Ohio.

10:46:40 2      **Q.**    So you are not from Cincinnati?

10:46:43 3      **A.**    I am not.

10:46:44 4      **Q.**    Did you have a major that you studied at University of

10:46:53 5      Edinburgh as an undergraduate?

10:46:55 6      **A.**    I did.

10:46:55 7      **Q.**    What was it?

10:46:55 8      **A.**    Archeology.

10:47:05 9      **Q.**    And then I believe that you had -- you studied for a

10:47:12 10     master's degree in art at the University of Edinburgh?

10:47:14 11     **A.**    With honors, yes.

10:47:16 12     **Q.**    What dates did you attend University of Edinburgh for

10:47:22 13     your Master's in Art?

10:47:23 14     **A.**    They were concurrent.

10:47:26 15     **Q.**    I'm sorry. Would you explain that? I don't understand.

10:47:30 16     **A.**    At the end of your second year, you take an

10:47:32 17     examination.

10:47:32 18     **Q.**    Okay.

10:47:33 19     **A.**    If you pass it, they consider your undergraduate work

10:47:37 20     completed, and you do two years of work towards the master's

10:47:40 21     degree.

10:47:40 22     **Q.**    So while you were studying archeology for your

10:47:43 23     undergraduate, you were also able to study art for your

10:47:48 24     master's degree in the last two years; is that correct?

10:47:51 25     **A.**    It was a Master's of Art, yes.

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10:47:54 1 Q. Pardon me. Master's in Art?

10:47:57 2 A. It was still archeology.

10:48:01 3 Q. So how does a Master's in Art relate to a degree in

10:48:18 4 archeology?

10:48:19 5 A. It's an MA degree. That's just the name of the degree.

10:48:27 6 Q. Okay. So the name of your undergraduate degree is an MA?

10:48:31 7 A. Yes.

10:48:33 8 Q. Okay. So I just want to understand. So you were

10:48:39 9 studying archeology at University of Edinburgh, correct?

10:48:44 10 A. Yes.

10:48:44 11 Q. And you got -- your ultimate degree, though, was an MA in

10:48:50 12 art; is that correct?

10:48:51 13 A. Yes.

10:48:54 14 Q. Why was it an MA in art if you were studying archeology?

10:49:01 15 A. It was just like BA is a bachelorette. It's the same

10:49:06 16 way. It's the way the Scottish system works.

10:49:10 17 Q. Okay. Thank you for your patience with me on that.

10:49:17 18 And then I think you also told us you had an MA in

10:49:20 19 science?

10:49:20 20 A. An MSC, Master's of Science.

10:49:25 21 Q. And did you study for your MSC during the same time you

10:49:31 22 studied for your MA in art?

10:49:33 23 A. No.

10:49:34 24 Q. Okay. What were the dates you studied for your MSC in

10:49:41 25 science?

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10:49:43 1       **A.**     2001 until 2002.

10:49:51 2       **Q.**     Did you have any emphasis, special emphasis you were

10:49:56 3                   studying for your MSC in science?

10:49:58 4       **A.**     Archeology with a minor in chemistry.

10:50:08 5       **Q.**     Just out of any -- out of curiosity, did you get to, as a

10:50:15 6                   student, attend any archeology digs?

10:50:17 7       **A.**     I did.

10:50:18 8       **Q.**     In England?

10:50:19 9       **A.**     In France and England, Scotland.

10:50:29 10      **Q.**     And then as I understand it, you went on to Oxford for

10:50:37 11      your Ph.D. in geology and stable isotope radiology; is that

10:50:43 12                   correct?

10:50:43 13      **A.**     No. It was a Doctorate of Philosophy, and it was in

10:50:48 14                   archeology and stabilized isotope geochemistry.

10:50:53 15      **Q.**     So the Doctorate of Philosophy is the title of the degree

10:50:57 16                   you received?

10:50:58 17      **A.**     Yes. Oxford's the only place that gives D.Phils.

10:51:02 18                   Everybody else gives Ph.D.s.

10:51:05 19      **Q.**     Okay. But it is essentially the same thing, correct?

10:51:10 20      **A.**     Essentially.

10:51:10 21      **Q.**     That's because Oxford has a very long history, does it

10:51:14 22                   not?

10:51:14 23      **A.**     Over a thousand years.

10:51:17 24      **Q.**     What college were you in in Oxford?

10:51:19 25      **A.**     St. Cross.

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10:51:22 1 Q. When was that established?

10:51:23 2 A. In the '60s. It was an international college. I'm not

10:51:30 3 English.

10:51:31 4 Q. So would you explain to me you were studying in geology,

10:51:39 5 in stabilized isotope radiology? What is that about?

10:51:43 6 A. It's archeology and geochemistry. Specifically, I did

10:51:47 7 research on Anglo-Saxon populations in Central and Southern

10:51:53 8 England where we looked at the stable compounds of carbon,

10:51:56 9 nitrogen, and oxygen as a proxy to determine diet and,

10:52:00 10 therefore, dietary pattern of a proxy for social

10:52:07 11 differentiation.

10:52:12 12 Q. So you were studying. Were you obtaining the diet

10:52:22 13 information -- forgive me for dumbing this down -- from bones

10:52:29 14 that had been excavated?

10:52:29 15 A. Yes.

10:52:30 16 Q. And so you were testing these bones, correct?

10:52:35 17 A. Yes, using a particle accelerator.

10:52:38 18 Q. With a particle accelerator, to determine what kind of

10:52:42 19 food the individual was eating, correct?

10:52:46 20 A. Yes.

10:52:46 21 Q. And you did that by analyzing the bone, and it shows what

10:52:52 22 the bone -- what food -- you explain it to me. How does that

10:52:57 23 work?

10:52:58 24 A. As you eat food, the majority of the signature from

10:53:01 25 that food comes from your local water source. And that has

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10:53:05 1 a fractionation factor that gets laid down in the organic  
10:53:09 2 and inorganic fraction of your bones, teeth, and other  
10:53:13 3 tissues in your body. And we'd extract the collagen, which  
10:53:16 4 is an organic fraction, from your bones, and that's what we  
10:53:19 5 analyzed in the mass specs.

10:53:25 6 **Q.** You say you used an electron accelerator in that?

10:53:30 7 **A.** A mass spectrometer. It is a type of particle  
10:53:35 8 accelerator, a small one.

10:53:36 9 **Q.** The same device that's used in urinalysis screening,  
10:53:40 10 correct?

10:53:40 11 **A.** It's the same basic technology. It's a very different  
10:53:44 12 type of equipment, but same basic.

10:53:46 13 **Q.** So I'd like to jump then to your professional experience.  
10:53:52 14 Did you work between joining the FBA [sic] and leaving  
10:53:58 15 Oxford?

10:53:59 16 **A.** I only had three months off between leaving Oxford and  
10:54:03 17 joining the FBI.

10:54:04 18 **Q.** Okay. So you didn't have a chance to work; is that fair?

10:54:06 19 **A.** No.

10:54:07 20 **Q.** It's not fair, or was that correct?

10:54:09 21 **A.** I didn't work.

10:54:11 22 **Q.** Okay. So were you recruited by the FBI?

10:54:15 23 **A.** I was -- I was contacted at a scientific conference  
10:54:21 24 where they showed an interest in my background and skills.

10:54:24 25 **Q.** What conference were you at?

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10:54:29 1       **A.** It was a conference in Austin, Texas.

10:54:33 2       **Q.** Was it sponsored by the FBI?

10:54:36 3       **A.** No.

10:54:37 4       **Q.** What kind of conference was it?

10:54:39 5       **A.** It was a state-licensed chemistry conference.

10:54:43 6       **Q.** Kind of a trade show?

10:54:44 7       **A.** No.

10:54:45 8       **Q.** Well, what kind of conference was it? I mean, you

10:54:51 9       described what the title was, but what kind of conference?

10:54:54 10      What was its purpose?

10:54:56 11     **A.** It was an academic conference. People gave

10:54:59 12     presentations, or they put up posters.

10:55:00 13     **Q.** Did you give a presentation?

10:55:02 14     **A.** I had a poster.

10:55:04 15     **Q.** What does it mean to have a poster at this conference?

10:55:08 16     **A.** It's basically like a three-by-four, a large piece of

10:55:11 17     paper that has usually the graphs from your research and a

10:55:15 18     couple "X" boxes describing what you saw and what you found.

10:55:18 19     **Q.** And what's the purpose of this poster?

10:55:21 20     **A.** Just to give a highlight of the type of research that

10:55:25 21     you've been doing.

10:55:27 22     **Q.** So is this poster that gives a highlight of your research

10:55:34 23     in order to draw interest from other individuals?

10:55:37 24     **A.** Yes.

10:55:40 25     **Q.** And then is that what the FBI saw to approach you?

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10:55:44 1 **A.** Yes.

10:55:45 2 **Q.** What was the next step? So you said the FBI approached

10:55:51 3 you. What was the next step in this process?

10:55:54 4 **A.** I began working at the lab division at Quantico.

10:55:58 5 **Q.** Well, from the point you were approached to the point you

10:56:01 6 became an employee, what happened? What did you do after you

10:56:04 7 were approached?

10:56:05 8 **A.** I applied and had to complete a SF86, which is the

10:56:10 9 background documentation needed to get a clearance in the

10:56:13 10 United States government.

10:56:19 11 **Q.** All right. So there was no conversations between when

10:56:26 12 being approached at the conference you were at in Texas and

10:56:32 13 your applying or filling out the SF86?

10:56:36 14 **A.** I mean, I had to do a job application like anybody else

10:56:39 15 would.

10:56:39 16 **Q.** Did you submit it through USAJobs?

10:56:43 17 **A.** I don't recall. This might have been paper back then.

10:56:46 18 **Q.** Okay. So is it fair to say that being approached sparked

10:56:48 19 your interest in the FBI?

10:56:52 20 **A.** It did.

10:56:52 21 **Q.** So when they recruited you, why did you think you would

10:56:58 22 be interested in working at the FBI?

10:57:00 23 **A.** I was looking to come back to the States. It seemed

10:57:09 24 like an interesting opportunity, so I took it.

10:57:12 25 **Q.** What about your background in archeology made you think

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10:57:20 1 you'd be a good fit for the FBI?

10:57:22 2 **A.** I spent my entire academic career working with dead

10:57:27 3 people and dead bodies and tissue, and that's basically what

10:57:30 4 the FBI asked me to do. So it wasn't a huge leap.

10:57:33 5 **Q.** So you wanted to do forensic work at the FBI; is that

10:57:36 6 right?

10:57:36 7 **A.** It was research, but, yes.

10:57:39 8 **Q.** Research, okay. And I think you told us you joined the

10:57:45 9 FBI in 2010, correct?

10:57:46 10 **A.** I became a special agent in 2010.

10:57:49 11 **Q.** All right. When did you join the FBI?

10:57:51 12 **A.** I was a contractor from 2008 until my employment.

10:58:00 13 **Q.** And when were you appointed?

10:58:03 14 **A.** I'm sorry?

10:58:03 15 **Q.** When were you appointed, sir?

10:58:05 16 **A.** To what? I'm sorry.

10:58:07 17 **Q.** Well, this is why I am trying to get this straight, and I

10:58:12 18 appreciate your patience. So you just told us that you were a

10:58:16 19 contractor for the FBI until 2008.

10:58:19 20 **A.** Beginning in 2008.

10:58:20 21 **Q.** Beginning in 2008. I'm going to try to listen more

10:58:25 22 carefully.

10:58:33 23 So how did you become a contractor for the FBI in 2008?

10:58:38 24 **A.** Through the Oak Ridge Institute of Science and

10:58:43 25 Education. It's a group managed by Oak Ridge National Lab

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10:58:47 1 of Tennessee, the quickest way to become working as a  
10:58:51 2 researcher.

10:58:52 3 Q. So you were a contractor; you weren't actually an  
10:58:55 4 employee of the FBI at that time?

10:58:57 5 A. Yes, but I worked at the lab in Quantico.

10:58:59 6 Q. Certainly. So the Oak Ridge lab sort of supervised the  
10:59:07 7 work that you did when you were located at Quantico; is that  
10:59:14 8 correct?

10:59:14 9 A. No. I had a supervisor who was an FBI employee.

10:59:17 10 Q. But it was under the auspices of the Oak Ridge National  
10:59:20 11 Laboratory; is that right?

10:59:21 12 A. Yes.

10:59:21 13 Q. And this was all before you actually applied to the FBI;  
10:59:34 14 is that right?

10:59:35 15 A. Yes.

10:59:36 16 Q. Okay. So just to make sure I understand and the jury  
10:59:41 17 understands, you left Oxford, correct? And then you were met  
10:59:47 18 by the FBI or someone from the FBI showed interest in your  
10:59:52 19 work at this conference in Texas, correct?

10:59:56 20 A. Yes.

10:59:57 21 Q. All right. And then you became a contractor at the FBI  
11:00:04 22 for the Oak Ridge National Labs; is that correct?

11:00:08 23 A. Yes.

11:00:09 24 Q. Okay. How did you go from the Texas conference and your  
11:00:16 25 interests there to becoming a contractor in 2008 for the Oak

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11:00:21 1 Ridge lab?

11:00:21 2 A. Well, again, I was approached, I think it was, in 2007.

11:00:26 3 Q. Right.

11:00:27 4 A. Presenting some of my work at Oxford. They asked me if

11:00:31 5 I was interested, showed me how to apply. I applied.

11:00:36 6 Q. So the FBI showed you how to apply to become a

11:00:39 7 contractor?

11:00:39 8 A. Yeah, they sent me a link to the -- to the website.

11:00:42 9 Q. Okay. What did you do when you were working for the Oak

11:00:55 10 Ridge labs at Quantico?

11:00:56 11 A. I worked on a project trying to take teeth and using a

11:01:03 12 mix of stable and unstable isotopes for the purposes of

11:01:07 13 geolocation. So the idea was that if we found a dead body

11:01:13 14 somewhere in the United States, we would have a geological

11:01:16 15 map based on the isotope values. And you try to match the

11:01:21 16 teeth from that deceased individual to a potential

11:01:23 17 geographic area inside the United States.

11:01:25 18 Q. And how would you match the teeth to the geographical

11:01:29 19 area?

11:01:30 20 A. Because it's dictated by water.

11:01:33 21 Q. Much like your work at Oxford, correct?

11:01:37 22 A. Yes.

11:01:38 23 Q. All right. That makes sense. All right.

11:01:49 24 Did you work with other scientists at the FBI?

11:01:53 25 A. I did.

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11:01:55 1       **Q.**    So you're aware that the FBI employs not only special  
11:02:02 2       agents but scientists, correct?  
11:02:04 3       **A.**    I am.  
11:02:04 4       **Q.**    And you are also aware, are you not, that they employ --  
11:02:08 5       the FBI employs language specialists?  
11:02:11 6       **A.**    I am.  
11:02:12 7       **Q.**    In fact, they were used in this case, were they not?  
11:02:15 8       **A.**    Yes.  
11:02:16 9       **Q.**    And, of course, also intelligence analysts, correct?  
11:02:21 10      **A.**    Yes.  
11:02:22 11      **Q.**    Do you have an intelligence analyst working for you now?  
11:02:25 12      **A.**    Yes.  
11:02:25 13      **Q.**    Would you describe the duties of the intelligence  
11:02:28 14      analyst?  
11:02:28 15      **A.**    They review the reports that agents write up. And if  
11:02:33 16      they see that there is any intelligence value to the  
11:02:37 17      community, they release that to the USIC, which is the  
11:02:40 18      United States intelligence community. Equally they do tasks  
11:02:43 19      for things like domain so that we know what companies, for  
11:02:47 20      example, that could be targeted by foreign services.  
11:02:52 21      **Q.**    Some of the research they do is collect publicly  
11:02:56 22      available information, is it not?  
11:02:58 23      **A.**    Some of it is, yes.  
11:02:59 24      **Q.**    And then the FBI has approximately 10,400 agents. Would  
11:03:18 25      you figure that's about right?

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11:03:19 1 A. Ballpark, yes.

11:03:21 2 Q. And a total of about, if I told you it was about 3,300 --

11:03:26 3 33,500 employees total, would that sound about right to you?

11:03:30 4 A. Pretty close, yes.

11:03:31 5 Q. Okay. So I'm interested, Agent, how did you go from the

11:03:42 6 work you were doing as a scientist to being a special agent

11:03:47 7 for the FBI?

11:03:48 8 A. I got bored, so I applied.

11:03:53 9 Q. And is that when you filled out your SF87?

11:03:59 10 A. No. I had to do that earlier to get clearance.

11:04:03 11 Q. To become a contractor?

11:04:04 12 A. Yep.

11:04:05 13 Q. All right. So what was the process for you to become a

11:04:09 14 special agent?

11:04:09 15 A. You apply. They give you a written examination, which

11:04:13 16 we call Phase 1. You pass Phase 1. Then you take a second

11:04:19 17 test or an in-person panel, which is Phase 2, which is three

11:04:24 18 senior agents who interview you. You pass that process.

11:04:29 19 You have to do a polygraph, which is a full-scope polygraph.

11:04:33 20 So you are on the lie detector box for however long they

11:04:37 21 need you to be on. You pass that. You get a physical to

11:04:41 22 make sure you are physically sound. And then you have to

11:04:44 23 pass a fitness test before you are even allowed to begin at

11:04:47 24 Quantico.

11:04:48 25 Q. I think you actually have to pass the fitness test every

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11:04:52 1 year, don't you?

11:04:53 2 A. We do.

11:04:54 3 Q. I'm curious. Would you agree with me that the duties of

11:05:01 4 an agent are very different from the duties of a scientist,

11:05:04 5 particularly as you practice science?

11:05:06 6 A. Yes.

11:05:07 7 Q. So you told us you got bored doing that work, but it

11:05:14 8 seems like to me -- well, let me ask you it this way: You did

11:05:22 9 that work for ten years as a scientist?

11:05:27 10 A. Yes.

11:05:28 11 Q. What about it made you become bored?

11:05:33 12 A. I realized I was a very educated ditchdigger, and I

11:05:38 13 needed to find something else to do in life.

11:05:42 14 Q. It sounded to me like the work of identifying the bodies

11:05:47 15 of deceased individuals was worthy work. Do you not agree

11:05:57 16 with that?

11:05:57 17 A. Oh, it absolutely was.

11:06:01 18 Q. Because, of course, there are victims, family members who

11:06:10 19 may be looking for that deceased individual, correct?

11:06:13 20 A. Yes. But I didn't do that work.

11:06:17 21 Q. Pardon me?

11:06:17 22 A. I didn't do that work.

11:06:18 23 Q. Understood, understood. But while you were doing your

11:06:21 24 work as a scientist, you understood the importance of that

11:06:26 25 work, did you not?

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11:06:27 1 **A.** Yes, I did.

11:06:29 2 **Q.** All right. So you've just described yourself in that

11:06:32 3 role as an overeducated ditchdigger, did you not?

11:06:40 4 **A.** I did.

11:06:41 5 **Q.** And you also just told us how important that work was,

11:06:46 6 did you not?

11:06:47 7 **A.** I did.

11:06:48 8 **Q.** Reconcile those two points of view for us.

11:06:52 9 **A.** I wanted to try something new. And I had a lot of

11:06:57 10 exposure to agents while in the lab, and it seemed

11:07:00 11 appealing.

11:07:01 12 **Q.** What seemed appealing about it?

11:07:03 13 **A.** What the agent job role is.

11:07:07 14 **Q.** So agents get to apply for and execute search warrants,

11:07:12 15 don't they?

11:07:13 16 **A.** Amongst other things, yes.

11:07:15 17 **Q.** We'll talk about some of those other things.

11:07:17 18 And agents get to wear a badge and a gun, don't they?

11:07:21 19 **A.** They do.

11:07:22 20 **Q.** And agents also get to conduct surveillance, correct?

11:07:26 21 **A.** Yes.

11:07:27 22 **Q.** And agents get to do trash pulls, correct?

11:07:31 23 **A.** If they are so unlucky to get selected, yes.

11:07:35 24 **Q.** And agents are allowed to apply for monitoring devices --

11:07:41 25 or pardon me -- tracking devices on automobiles, are they not?

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11:07:45 1 **A.** Yes.

11:07:45 2 **Q.** And if the judge grants that request, they can place

11:07:49 3 those tracking devices on automobiles, can they not?

11:07:53 4 **A.** Again, yes.

11:07:55 5 **Q.** And, of course, they can arrest people, can they not?

11:08:00 6 **A.** Yes.

11:08:01 7 **Q.** So is it fair to say agents have a great deal more law

11:08:14 8 enforcement power than does the scientist?

11:08:17 9 **A.** By definition, yes.

11:08:19 10 **Q.** And so is that what attracted you to working as an agent?

11:08:25 11 **A.** In part.

11:08:26 12 **Q.** What else?

11:08:29 13 **A.** I was trying to get back to Ohio, and the FBI does not

11:08:34 14 have a lab in Ohio.

11:08:37 15 **Q.** Had you -- okay. So you had no opportunity as a

11:08:42 16 scientist to go back to Ohio; is that right?

11:08:45 17 **A.** Yes.

11:08:45 18 **Q.** And that's where your family is, correct?

11:08:47 19 **A.** Yes.

11:08:48 20 **Q.** Okay. Since 2002, the FBI changed its mission, did they

11:09:06 21 not?

11:09:06 22 **A.** You'd have to be more specific.

11:09:12 23 **Q.** Certainly. 2002 the towers came down, correct?

11:09:15 24 **A.** That was 2001.

11:09:16 25 **Q.** Pardon me. 2001. I am thinking 2002 for another reason

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11:09:21 1 I won't share with you.

11:09:22 2 2001 the towers came down, correct?

11:09:25 3 **A.** Yes.

11:09:25 4 **Q.** And the FBI before that was primarily a domestic law

11:09:29 5 enforcement agency, correct?

11:09:30 6 **A.** Maybe primarily, but we have always had a

11:09:33 7 counterintelligence mission.

11:09:34 8 **Q.** Understood. After 2001, the mission of counter-

11:09:40 9 intelligence increased, did it not?

11:09:42 10 **A.** I would say the counterterrorism mission increased.

11:09:46 11 **Q.** All right. So you were telling us that there was no

11:09:50 12 additional emphasis on counterintelligence?

11:09:52 13 **A.** There may have been, but I wasn't in the FBI in 2002.

11:09:55 14 **Q.** How does the FBI describe its mission now?

11:09:59 15 **A.** We are a national security and law enforcement agency.

11:10:03 16 **Q.** National security first?

11:10:07 17 **A.** I believe so, yes.

11:10:09 18 **Q.** And you would agree with me that MSS has, from China's

11:10:22 19 point of view, a national security function, don't you?

11:10:25 20 **A.** That would be my understanding, yes.

11:10:27 21 **Q.** Okay. And, in fact, is it your understanding that they

11:10:31 22 have counterintelligence operations?

11:10:33 23 **A.** Yes.

11:10:35 24 **Q.** And they also have counterespionage operations?

11:10:39 25 **A.** Again, yes.

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11:10:40 1 Q. And those operations serve the same function for China as  
11:10:46 2 they do for the United States, do they not?  
11:10:48 3 A. Yes.  
11:10:48 4 Q. Do you view China as an enemy of the United States?  
11:10:59 5 A. No.  
11:11:02 6 Q. How do you view China?  
11:11:07 7 MR. MANGAN: I'll object, Your Honor.  
11:11:08 8 THE COURT: Basis?  
11:11:09 9 MR. MANGAN: Relevance.  
11:11:13 10 THE COURT: I've given you a bunch of latitude, and  
11:11:15 11 I continue to.  
11:11:16 12 The objection's overruled.  
11:11:20 13 MR. McBRIDE: Thank you, Your Honor. I'll pull it  
11:11:21 14 in. I'll withdraw that question.  
11:11:25 15 BY MR. McBRIDE:  
11:11:34 16 Q. Where was your first duty station as an agent?  
11:11:36 17 A. Boston, Massachusetts.  
11:11:38 18 Q. And what were your duties in Boston, Massachusetts?  
11:11:42 19 A. I was a counterintelligence agent.  
11:11:44 20 Q. Okay. And what dates were you at -- in Boston?  
11:11:47 21 A. 2010 until 2015.  
11:11:49 22 Q. And what was your next duty station?  
11:11:59 23 A. Cincinnati.  
11:12:00 24 Q. And when did you arrive in Cincinnati?  
11:12:06 25 A. July 2015.

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11:12:09 1 Q. And am I correct that that is the duty station that you  
11:12:17 2 have been at since?  
11:12:18 3 A. Yes.  
11:12:18 4 Q. And am I correct that you chose to go to Cincinnati?  
11:12:30 5 A. I received a voluntary rotational transfer, for which I  
11:12:34 6 had to apply.  
11:12:36 7 Q. But it was your preference to go to the Cincinnati  
11:12:39 8 offices?  
11:12:40 9 A. Yes.  
11:12:41 10 Q. Okay. I'd like to know a little bit about your duties  
11:12:58 11 when you arrived at the Cincinnati office. What were your  
11:13:05 12 duties at the Cincinnati office?  
11:13:06 13 A. I was a counterintelligence special agent, and I was  
11:13:10 14 also the strategic partnership coordinator.  
11:13:14 15 Q. What is the strategic partner coordinator?  
11:13:16 16 A. We do outreach with industry.  
11:13:18 17 Q. Was General Electric one of your strategic partners?  
11:13:23 18 A. At that time they were not.  
11:13:24 19 Q. Are they now?  
11:13:25 20 A. I'd say yes.  
11:13:40 21 MR. McBRIDE: Your Honor, I know we're coming up on  
11:13:42 22 a break. This might be a good place to stop.  
11:13:44 23 THE COURT: Very well. I appreciate you telling me  
11:13:48 24 MR. McBRIDE: Yes, sir.  
11:13:49 25 THE COURT: We have been at it 30 minutes. We are

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11:13:51 1 going to break for 15, come back, hear some more testimony,  
11:13:51 2 and then I promise we will feed you.

11:13:54 3 During the break, take a break. Don't discuss it amongst  
11:13:56 4 yourselves or anyone else. No independent research. Continue  
11:13:59 5 to keep an open mind.

11:14:01 6 We'll rise as you leave for 15 minutes.

11:14:04 7 THE COURTROOM DEPUTY: All rise for the jury.

11:14:05 8 (Jury out at 10:14 a.m.)

11:14:50 9 THE COURT: The jury's left the room. We are going  
11:14:53 10 to break for 15 minutes.

11:14:54 11 I have given you a lot of latitude on relevance.

11:14:58 12 We're in recess.

11:14:59 13 THE COURTROOM DEPUTY: This court is in recess for  
11:15:01 14 15 minutes.

11:15:02 15 (Recess from 11:15 a.m. until 11:30 p.m.)

11:30:36 16 THE COURT: Are we ready to get the jury from the  
11:30:39 17 government's perspective?

11:30:40 18 MR. MANGAN: Yes, Your Honor.

11:30:41 19 THE COURT: Defense as well?

11:30:42 20 MR. McBRIDE: Yes, Your Honor.

11:30:43 21 THE COURT: Let's call for the jury, please.

11:31:06 22 (Jury in at 11:31 a.m.)

11:31:33 23 THE COURTROOM DEPUTY: All rise for the jury.

11:32:05 24 THE COURT: You may all be seated.

11:32:12 25 15 jurors have rejoined us.

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11:32:14 1 We will continue with cross-examination. The witness  
11:32:16 2 remains under oath.

11:32:18 3 MR. McBRIDE: Your Honor, I am very sorry, but I was  
11:32:20 4 just told Mr. Xu is having a problem hearing. Could we take a  
11:32:25 5 moment to --

11:32:28 6 THE COURT: Yes.

11:32:29 7 MR. McBRIDE: Thank you, Your Honor.

11:32:52 8 (Pause.)

11:32:52 9 MR. McBRIDE: Your Honor, I was just informed the  
11:32:56 10 battery of the equipment is out.

11:32:58 11 THE COURT: Take some time.

11:33:01 12 MR. McBRIDE: Thank you, Your Honor.

11:33:49 13 (Pause.)

11:33:49 14 MR. McBRIDE: Your Honor, Mr. Xu can hear. The  
11:33:52 15 equipment is fixed.

11:33:53 16 THE COURT: Very well.

11:33:54 17 MR. McBRIDE: May I proceed?

11:33:55 18 THE COURT: Yes.

11:33:57 19 MR. McBRIDE: Thank you, Your Honor.

11:34:03 20 BY MR. McBRIDE:

11:34:21 21 Q. Agent Hull, we were talking about your professional  
11:34:24 22 experience and that you were at Cincinnati.

11:34:27 23 I believe you testified that you have become a  
11:34:30 24 supervisory special agent?

11:34:33 25 A. Yes.

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11:34:33 1       **Q.** When did that happen, sir?

11:34:35 2       **A.** January of 2020.

11:34:38 3       **Q.** Was your promotion related to the work on this case?

11:34:47 4       **A.** Not exclusively, no.

11:34:50 5       **Q.** This was an important part of that?

11:34:57 6       **A.** It was a piece of it.

11:34:59 7       **Q.** This is a big case, though, isn't it?

11:35:04 8       **A.** It is.

11:35:05 9       **Q.** I believe you testified earlier that the FBI's

11:35:28 10      investigation of this matter and -- pardon me. I am going to

11:35:33 11      take this off.

11:35:34 12      The FBI's investigation of this matter and GE's

11:35:37 13      investigation, they had parallel investigations; is that

11:35:41 14      correct?

11:35:41 15      **A.** Yes.

11:35:42 16      **Q.** All right. I'd like to explore that a little bit.

11:35:48 17      First of all, does the FBI still have an agent located at

11:35:52 18      General Electric?

11:35:53 19      **A.** Excuse me?

11:35:54 20      **Q.** Does the FBI still have an agent located at the General

11:36:02 21      Electric Aviation facility?

11:36:03 22      **A.** We have never had an agent located at the GE Aviation

11:36:07 23      facility.

11:36:08 24      **Q.** Do you have an agent in your unit assigned to GE?

11:36:12 25      **A.** Assigned?

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11:36:14 1 Q. Yes.

11:36:14 2 A. No.

11:36:15 3 Q. To work on matters related to GE?

11:36:17 4 A. No.

11:36:18 5 Q. I'd like to show you a document that I believe you are

11:36:38 6 familiar with. Give me a moment.

11:36:59 7 MR. McBRIDE: Your Honor, may I approach the agent?

11:37:01 8 THE COURT: Yes.

11:37:11 9 Is the other side able to see what you are showing the

11:37:14 10 witness?

11:37:30 11 MR. McBRIDE: My apologies, Your Honor.

11:37:46 12 May I approach, Your Honor?

11:37:48 13 THE COURT: Yes.

11:38:05 14 BY MR. McBRIDE:

11:38:05 15 Q. Sir, what is that document?

11:38:07 16 A. It is a PowerPoint presentation from the Domestic

11:38:13 17 Security Alliance Council, called DSAC.

11:38:14 18 Q. Did you participate in that presentation?

11:38:16 19 A. I did.

11:38:17 20 Q. Did you write that document or develop it?

11:38:18 21 A. No. I did, like, one slide.

11:38:24 22 Q. Okay. But you are familiar with the contents of that

11:38:27 23 document?

11:38:27 24 A. I am.

11:38:27 25 Q. All right. What is the Domestic Security Alliance

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11:38:33 1 Council?

11:38:33 2 A. It's a group of mostly Fortune 100 companies, maybe

11:38:40 3 Fortune 500 companies who have an association called DSAC,

11:38:45 4 which is run by DSAC, and the FBI participates.

11:38:51 5 Q. Well, isn't it true that Christopher Wray is the chairman

11:38:55 6 of that board or president of that board?

11:38:58 7 A. As an outside role perhaps, yes.

11:39:01 8 Q. And he is the director of the FBI, correct?

11:39:04 9 A. He is.

11:39:05 10 Q. Is GE a member of the Domestic Security Alliance?

11:39:09 11 A. They are now, yes.

11:39:11 12 Q. They weren't before this investigation?

11:39:14 13 A. I don't believe they were, no.

11:39:17 14 Q. The DCSA is a partnership between the U.S. government and

11:39:27 15 private industry, correct?

11:39:31 16 A. It is.

11:39:31 17 Q. It's not just run by private industry, correct?

11:39:34 18 A. Yes.

11:39:34 19 Q. All right. Will you look at your presentation, please?

11:39:51 20 What's the title of that presentation?

11:39:53 21 A. "Economic Espionage, Protection Through Partnership."

11:39:59 22 Q. What are the symbols on the front of that presentation?

11:40:01 23 A. The GE Aviation, I think they call it the meatball, and

11:40:07 24 the FBI seal.

11:40:08 25 Q. Okay. Would you look at the last page of that

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11:40:12 1 presentation. Does it list the presenters?

11:40:23 2 A. It does.

11:40:23 3 Q. Would you read those presenters off.

11:40:26 4 A. Mike Huffman, senior security manager; Laura Tubasing,

11:40:31 5 senior compliance and regulatory specialist; Eric Ridder,

11:40:35 6 senior director of cyber security; Michael Bishop, executive

11:40:39 7 counsel, global investigations; Josh Murphy, supervisory

11:40:44 8 special agent, Cincinnati; and Bradley Hull, special agent,

11:40:47 9 Cincinnati.

11:40:48 10 Q. All right. Supervisory Special Agent Murphy and you,

11:40:53 11 when you were a special agent, were two of the presenters,

11:40:56 12 correct?

11:40:56 13 A. Yes.

11:40:57 14 Q. And you work for the FBI, of course.

11:40:59 15 A. Yes.

11:40:59 16 Q. Who did the other presenters work for?

11:41:01 17 A. GE.

11:41:02 18 Q. General Electric?

11:41:03 19 A. Yes.

11:41:04 20 Q. So they made this presentation together with you?

11:41:06 21 A. Yes.

11:41:07 22 Q. All right. What did your investigation call Mr. Xu?

11:41:16 23 A. What did we call him?

11:41:17 24 Q. Um-hmm.

11:41:18 25 A. His name.

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11:41:20 1 Q. In that document, doesn't it list your code name for  
11:41:24 2 Mr. Xu?

11:41:25 3 A. That was not an FBI code name.

11:41:28 4 Q. Okay.

11:41:33 5 MR. McBRIDE: May I retrieve that, Your Honor?

11:41:36 6 THE COURT: Yes.

11:41:52 7 BY MR. McBRIDE:

11:41:52 8 Q. I'd like to continue to talk about this issue of the  
11:42:00 9 parallel investigation, if I may.

11:42:04 10 Is it not correct that after -- well, I think you  
11:42:10 11 testified earlier that you notified GE of the circumstances  
11:42:16 12 with Dr. Zheng; is that correct?

11:42:16 13 A. Yes.

11:42:16 14 Q. All right. You, being the FBI in general. Was it you  
11:42:20 15 specifically?

11:42:20 16 A. It was.

11:42:21 17 Q. Okay. And who did you at GE report them to?

11:42:27 18 A. I'm sorry?

11:42:28 19 Q. Who did you report to GE about Dr. Zheng?

11:42:31 20 A. Two individuals from their security department.

11:42:34 21 Q. What security department? What specific security  
11:42:38 22 department?

11:42:39 23 A. They call it the Insider Threat Task Force.

11:42:41 24 Q. Do you know what an insider threat task force is?

11:42:45 25 A. Yes.

11:42:45 1 Q. Just briefly, what's an insider threat?

11:42:49 2 A. GE looks for employees within the company who have red

11:42:54 3 flags, basically activities that are outside of the norm.

11:42:58 4 And they do internal company investigations based off of

11:43:02 5 those red flags.

11:43:03 6 Q. And in this case, you're talking about Dr. Zheng going to

11:43:15 7 China?

11:43:15 8 A. Yes.

11:43:16 9 Q. Will you tell the ladies and gentlemen of the jury what

11:43:21 10 an FD1057 is?

11:43:23 11 A. I'm sorry. Can you repeat that again?

11:43:26 12 Q. What's an FD1057?

11:43:28 13 A. FD1057 is an electronic communication. That's how the

11:43:32 14 FBI documents reports. It's one of the ways we document

11:43:37 15 reports when we meet with individuals or companies.

11:43:41 16 Q. All right.

11:43:43 17 MR. McBRIDE: Your Honor, may I approach the

11:43:45 18 witness?

11:43:45 19 THE COURT: Yes.

11:44:00 20 BY MR. McBRIDE:

11:44:00 21 Q. Sir, what is that?

11:44:01 22 A. It's a report of the meeting on 7-11 of 2017.

11:44:06 23 Q. Who was at that meeting?

11:44:09 24 A. I'm sorry?

11:44:10 25 Q. Who was at that meeting?

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11:44:11 1 A. A number of employees at GE Aviation.

11:44:15 2 Q. Would you list their names?

11:44:16 3 A. I can. Michael Huffman, David Handler, Phillip Smith,

11:44:22 4 Darrell Kates, Patrick Alberts, Gordon Myers remotely, Eric

11:44:28 5 Ridder, and a Mike LNU, which means I didn't get his last

11:44:32 6 name, and then myself and SSA Murphy.

11:44:35 7 Q. Would you read -- do you see where it says "synopsis" on

11:44:38 8 that document?

11:44:39 9 A. I do.

11:44:39 10 Q. Would you read that, please?

11:44:42 11 MR. MANGAN: Objection.

11:44:42 12 THE COURT: Basis?

11:44:43 13 MR. MANGAN: Hearsay.

11:44:45 14 THE COURT: Response?

11:44:46 15 MR. McBRIDE: I'm sorry, Your Honor. What was the

11:44:48 16 basis?

11:44:48 17 THE COURT: The objection was hearsay.

11:44:50 18 MR. McBRIDE: Your Honor, this is the agent's

11:44:56 19 document. They're reading -- he is reading from it. He has

11:44:59 20 personal knowledge of it.

11:45:00 21 THE COURT: But he is not able to read somebody

11:45:02 22 else's statement.

11:45:05 23 Sustained.

11:45:05 24 BY MR. McBRIDE:

11:45:05 25 Q. What is this document about?

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11:45:07 1       **A.** A meeting with GE Aviation.

11:45:11 2       **Q.** All right. And this document deals with the situation

11:45:25 3 involving Dr. Zheng, correct?

11:45:27 4       **A.** Yes.

11:45:29 5       **Q.** I'd ask you to look at the last paragraph.

11:45:36 6                  Did GE fire Dr. Zheng after this incident was discussed?

11:45:42 7       **A.** I'm sorry. At this meeting?

11:45:45 8       **Q.** Yes.

11:45:46 9       **A.** No.

11:45:47 10       **Q.** Did they conclude that at that time they did not have

11:45:50 11 enough to fire Dr. Zheng?

11:45:51 12       **A.** No.

11:45:56 13       **Q.** No, they did not have enough information to fire

11:46:00 14 Dr. Zheng; is that correct?

11:46:00 15       **A.** Correct.

11:46:01 16       **Q.** In the course of your investigation, you found that

11:46:34 17 Dr. Zheng did not take his GE computer to China, correct?

11:46:39 18       **A.** Yes.

11:46:42 19       **Q.** He, in fact, took a laptop of his own, correct?

11:46:44 20       **A.** Yes.

11:46:44 21       **Q.** And he had downloaded some GE information onto that

11:46:47 22 laptop?

11:46:48 23       **A.** Yes.

11:46:48 24       **Q.** At some point GE had everybody at the GE Aviation turn

11:46:55 25 over their personal laptops, correct?

11:46:57 1 A. I don't know if that's completely accurate. There was  
11:47:00 2 a degree to that, but not quite to the way you stated it.  
11:47:03 3 Q. GE had Dr. Zheng turn over his personal laptop to them,  
11:47:07 4 correct?  
11:47:07 5 A. Yes.  
11:47:07 6 Q. Who did the forensic examination of that laptop?  
11:47:11 7 A. A forensic examiner within GE.  
11:47:15 8 Q. And they provided that information to the FBI, correct?  
11:47:18 9 A. Pursuant to a legal request, yes.  
11:47:20 10 Q. Understood. Understood. But they did the analysis which  
11:47:24 11 you received, correct?  
11:47:25 12 A. They did a forensic image which we received.  
11:47:30 13 Q. Fair enough. What's a forensic image?  
11:47:32 14 A. It's a copy.  
11:47:33 15 Q. And it's a copy that cannot be altered, correct?  
11:47:36 16 A. Correct.  
11:47:56 17 MR. McBRIDE: Give me a minute, Your Honor, please.  
11:48:15 18 BY MR. McBRIDE:  
11:48:15 19 Q. I want to go back and start talking about your  
11:48:19 20 investigation, all right?  
11:48:23 21 A. Okay.  
11:48:23 22 Q. The presentation the government gave, and you testified  
11:48:28 23 to, was chronologically presented, correct?  
11:48:31 24 A. You mean the DSAC presentation?  
11:48:34 25 Q. Your presentation in court was chronologically presented,

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11:48:37 1 was it not?

11:48:38 2 **A.** Roughly, yes.

11:48:38 3 **Q.** Roughly. Fair enough. But your investigation didn't

11:48:42 4 begin until 2017, correct?

11:48:47 5 **A.** Yes.

11:48:48 6 **Q.** So I'd like to talk about that a little bit.

11:48:55 7 So you learned of Dr. Zheng's trip to China, and you

11:49:04 8 notified the GE security folks, correct?

11:49:10 9 **A.** Yes.

11:49:11 10 **Q.** Specifically, the insider threat security folks?

11:49:16 11 **A.** Yes.

11:49:17 12 **Q.** And the insider threat means that somebody is in the

11:49:23 13 company who may be providing information outside the company,

11:49:27 14 correct?

11:49:27 15 **A.** That's one of the roles they have, yes.

11:49:29 16 **Q.** Would you define it, please? Would you define what an

11:49:33 17 insider threat is from your perspective?

11:49:35 18 **A.** Someone who has access within any entity, whether it's

11:49:39 19 a company or government, to collect information without

11:49:42 20 authorization.

11:49:46 21 **Q.** And so in this case, it was significant that you may have

11:49:54 22 an insider threat at General Electric, correct?

11:49:58 23 **A.** In this case it was significant. I don't know the

11:50:00 24 number of insider threat cases that GE has on an annual

11:50:04 25 basis.

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11:50:04 1       **Q.** I understand. But this case involved its polymatrix  
11:50:10 2 composites, correct?  
11:50:11 3       **A.** Polymetric, yes.  
11:50:14 4       **Q.** Polymetric, thank you. And the polymetric composites are  
11:50:19 5 the GE trade secret at issue in this case, correct?  
11:50:21 6       **A.** Yes.  
11:50:22 7       **Q.** And the polymetric composites were developed over a long  
11:50:31 8 period of time, correct?  
11:50:32 9       **A.** Decades, to my understanding.  
11:50:33 10      **Q.** And they are used in American military aircraft, correct?  
11:50:38 11      **A.** I don't believe they are.  
11:50:39 12      **Q.** You don't believe they are.  
11:50:47 13           So General Electric is a clear defense contractor,  
11:50:51 14 correct?  
11:50:51 15      **A.** Yes, they are.  
11:50:53 16      **Q.** All right. So that means in this case military  
11:50:59 17 technology is not implicated; is that correct?  
11:51:02 18      **A.** No.  
11:51:04 19      **Q.** I'm sorry. I don't mean to be difficult, but are you  
11:51:07 20 saying no military technology is implicated in this case?  
11:51:12 21      **A.** In this instance, no.  
11:51:14 22      **Q.** Thank you. So given that, there was no classified  
11:51:23 23 technology in this case, correct?  
11:51:26 24      **A.** There was no classified technology.  
11:51:30 25      **Q.** All right. And there was no ITAR information related to

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11:51:33 1 your investigation, correct?

11:51:34 2 A. Related to the defendant, no.

11:51:36 3 Q. All right. So would you tell the ladies and gentlemen

11:51:40 4 what ITAR materials might be?

11:51:43 5 A. ITAR stands for the International Trafficking and Arms

11:51:46 6 Regulation. It's a list of commodities protected under the

11:51:50 7 United States munitions list that are controlled because

11:51:53 8 they have defense applications.

11:51:54 9 Q. But in this case, there is nothing on the USML because

11:51:57 10 military technology is not implicated, correct?

11:52:00 11 A. The compass family are their commercial systems.

11:52:05 12 Q. Thank you. And these commercial systems are a source of

11:52:10 13 income for General Electric, of course?

11:52:15 14 A. I imagine so, yes.

11:52:16 15 Q. And I believe you testified -- and correct me if I'm

11:52:19 16 wrong -- that it was worth a tremendous amount of money to

11:52:25 17 General Electric, correct?

11:52:25 18 A. Yes.

11:52:26 19 Q. How much?

11:52:27 20 A. I don't have that kind of figure.

11:52:30 21 Q. Generally, do you have an idea?

11:52:32 22 A. I do not.

11:52:32 23 Q. Do you have an idea of what it cost to develop General

11:52:36 24 Electric -- it costs General Electric to develop this poly-

11:52:39 25 matrix [sic] composite materials?

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11:52:41 1       **A.**     Generally, I imagine it's hundreds of millions, if not  
11:52:47 2              billions, of dollars.

11:52:53 3       **Q.**     So just to be clear, this case does not implicate  
11:52:59 4              military technology, correct?

11:53:01 5       **A.**     The compass families are used in commercial aircraft  
11:53:06 6              systems.

11:53:08 7       **Q.**     And GE has -- sells these engines all over the world, do  
11:53:14 8              they not?

11:53:14 9       **A.**     They do.

11:53:16 10      **Q.**     I'd like to talk about these engines in relationship to  
11:53:20 11              an organization that you mentioned during your direct  
11:53:24 12              testimony called AVIC.

11:53:27 13      **A.**     I say AVIC, but toe-may-toe, toe-mah-toe.

11:53:30 14      **Q.**     AVIC's fine. I'm happy to go with that.  
11:53:32 15              So would you describe again for the ladies and gentlemen  
11:53:35 16              of the jury what AVIC is?

11:53:37 17      **A.**     It's a state-owned enterprise in China that is one of  
11:53:42 18              the components of the Chinese aviation industries.

11:53:46 19      **Q.**     Is it state owned?

11:53:47 20      **A.**     Yes.

11:53:48 21      **Q.**     And does it produce military aircraft designed and  
11:53:55 22              research military aircraft for China?

11:53:58 23      **A.**     I believe it does, yes.

11:53:59 24      **Q.**     And does it also design and research large-body  
11:54:04 25              commercial vehicles in China?

11:54:06 1 **A.** Yes.

11:54:06 2 **Q.** All right. But itself doesn't manufacture any vehicles?

11:54:12 3 **A.** AVIC?

11:54:13 4 **Q.** AVIC.

11:54:15 5 **A.** I don't know that I can answer that.

11:54:18 6 **Q.** That's fair. That's fair.

11:54:22 7 You also heard Dr. Mulvenon talk about COMAC, did you  
not?

11:54:29 8 **A.** I did.

11:54:29 10 **Q.** All right. Do you know what COMAC is?

11:54:30 11 **A.** I do.

11:54:30 12 **Q.** What is COMAC?

11:54:31 13 **A.** It's another state-owned enterprise in China that is  
part of the Chinese aviation industries.

11:54:35 14 **Q.** And what does it do?

11:54:38 16 **A.** It manufactures the airframes.

11:54:42 17 **Q.** So tell me if I'm correct. AVIC generally designs and

11:54:46 18 researches the vehicles; COMAC produces some of the vehicles  
for China?

11:54:51 19 **A.** Generally, yes.

11:54:53 20 **Q.** Aircraft, of course, we're talking about. Okay.

11:55:08 22 MR. MCBRIDE: Could we put up Exhibit 10, Government

11:55:07 23 Exhibit 10?

11:55:08 24 May I show that to the jury, Your Honor.

11:55:10 25 THE COURT: Government Exhibit what?

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11:55:13 1 MR. McBRIDE: 10.

11:55:14 2 THE COURT: Has it been admitted?

11:55:16 3 MR. McBRIDE: Yes, sir.

11:55:16 4 THE COURT: Okay. You can show it to the witness

11:55:19 5 and the jury.

11:55:21 6 BY MR. McBRIDE:

11:55:21 7 Q. Can you see that in front of the screen, Agent?

11:55:23 8 A. I can now, yes.

11:55:24 9 Q. All right. So this is the chart that Dr. Mulvenon

11:55:30 10 discussed to describe the overall structure related to these

11:55:34 11 two organizations, correct?

11:55:35 12 A. Yes.

11:55:39 13 MR. McBRIDE: Paul, could we focus on the bottom

11:55:42 14 third, where it says -- there we are.

11:55:45 15 BY MR. McBRIDE:

11:55:45 16 Q. So COMAC is in the middle of the bottom third, and AVIC

11:55:53 17 is on the right; is that correct?

11:55:55 18 A. It is.

11:55:55 19 Q. Okay. You also, in the context of discussing Safran

11:56:06 20 earlier, alluded to a JV that Safran was involved in?

11:56:13 21 A. Yes.

11:56:13 22 Q. Do you remember that, sir?

11:56:15 23 A. I do.

11:56:15 24 Q. Was that JV CMF International?

11:56:20 25 A. Yes.

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11:56:20 1 Q. Or is it CFM?

11:56:22 2 A. Yes.

11:56:23 3 Q. Do you know what that organization does?

11:56:25 4 A. It's a joint venture between GE Aviation and the United

11:56:30 5 States here in Cincinnati and Safran, near Paris, to make

11:56:34 6 that engine system.

11:56:36 7 Q. Make what engine system, sir?

11:56:38 8 A. The CSF-56.

11:56:41 9 Q. Is that also known as the LEAP-1 engine?

11:56:45 10 A. It is.

11:56:45 11 Q. Okay. And the LEAP-1 engine has polymatrix composite

11:56:51 12 families, correct?

11:56:52 13 A. Polymetric, yeah.

11:56:54 14 Q. Polymetric, I apologize. And polymetric housing for the

11:56:59 15 families, correct? Containment housing?

11:57:00 16 A. Yes.

11:57:01 17 Q. All right. Do you know what the containment housing

11:57:03 18 does, just generally?

11:57:04 19 A. If the fans were to break at any time, it would keep

11:57:09 20 the fan contained. It's a containment case so they wouldn't

11:57:12 21 fly through the fuselage or down the plane or anything like

11:57:15 22 that. It's a safety precaution.

11:57:17 23 Q. And so the use of this technology allows the plane to be

11:57:22 24 lighter and bigger, correct?

11:57:23 25 A. And more fuel efficient, yes.

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11:57:25 1 Q. And more fuel efficient, thank you.

11:57:25 2 And it gives it more lift, correct?

11:57:27 3 A. Yes.

11:57:27 4 Q. All right. And I think you also testified that GE is the

11:57:33 5 only one with this technology right now?

11:57:35 6 A. That's accurate.

11:57:37 7 Q. Were you aware that Rolls-Royce just developed an engine

11:57:42 8 with the composite technology for its fan blades and

11:57:44 9 containment housing?

11:57:46 10 A. I know it's under development. I don't know its status

11:57:49 11 as far as flight worthiness.

11:57:51 12 Q. But they have developed a functioning engine. Did you

11:57:54 13 know that?

11:57:54 14 A. Again, I don't know its status, but I know they have

11:57:57 15 research into it.

11:57:58 16 Q. Okay. And they, of course, did not steal that technology

11:58:01 17 from General Electric, did they?

11:58:03 18 A. Not to the best of my knowledge.

11:58:05 19 Q. And were you also aware that by 2017 China was developing

11:58:12 20 some components of a polymetric composite containment housing?

11:58:20 21 Were you aware of that?

11:58:21 22 A. If you're referring to the AECC-1, I have a little

11:58:24 23 knowledge on it but not much.

11:58:25 24 Q. All right. That's fair.

11:58:28 25 MR. MCBRIDE: Judge, is this a place we would like

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11:58:30 1 to stop?

11:58:32 2 THE COURT: Sure.

11:58:33 3 MR. McBRIDE: Or do you want me to continue for a

11:58:35 4 few more minutes?

11:58:36 5 THE COURT: A few more minutes. Maybe 12:15.

11:58:39 6 MR. McBRIDE: Yes, sir. I can do that.

11:58:41 7 BY MR. McBRIDE:

11:58:41 8 Q. So I'd like to talk about these relationships between

11:58:48 9 COMAC and AVIC and GE's LEAP-1 engine, okay?

11:58:55 10 You testified a minute ago that CFM International makes

11:58:59 11 engines. It makes the LEAP-1 engine, does it not?

11:59:03 12 A. I believe so, yes.

11:59:05 13 Q. All right. And it's selling those engines to COMAC, is

11:59:10 14 it not?

11:59:10 15 A. I believe so, yes.

11:59:12 16 Q. And those engines are going in China's C919 aircraft,

11:59:19 17 correct?

11:59:19 18 A. Again, yes.

11:59:20 19 Q. All right. And that aircraft is a -- I think it's a mid-

11:59:25 20 sized commercial liner; is that correct?

11:59:27 21 A. It is. It's shockingly similar to the Boeing 737.

11:59:33 22 Q. Well, a number of American companies are helping develop

11:59:37 23 that vehicle, are they not?

11:59:39 24 A. I wouldn't have that knowledge.

11:59:41 25 Q. Okay. All right. So CFM, meaning GE and Safran, are

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11:59:56 1 supplying engines to COMAC, correct?

11:59:58 2 **A.** Yes.

11:59:58 3 **Q.** And they are also selling the same composite engines,

12:00:02 4 composite fan blade and containment housing engines around the

12:00:07 5 world, correct?

12:00:07 6 **A.** That's my understanding, yes.

12:00:09 7 **Q.** Okay. And GE is providing avionics to the C919, correct?

12:00:16 8 **A.** Again, to the best of my knowledge, that is correct.

12:00:18 9 **Q.** All right. And GE is doing that under a JV with AVIC,

12:00:28 10 correct?

12:00:28 11 **A.** I'm not familiar with that part of it.

12:00:32 12 **Q.** You did not go that far with it?

12:00:34 13 **A.** I just don't have -- I am not familiar.

12:00:37 14 **Q.** You don't know, okay. That's fair.

12:00:40 15 Do you know what GCAT is?

12:00:45 16 **A.** I do generally, yes.

12:00:47 17 **Q.** What is it?

12:00:48 18 **A.** I don't remember the acronym. It's a program where a

12:00:55 19 maintenance crew come from China to the United States, and

12:00:59 20 maybe other countries -- take that back -- other countries

12:01:04 21 that come to the United States that learn how to do

12:01:07 22 specialized maintenance.

12:01:09 23 **Q.** And that's a joint venture, is it not?

12:01:11 24 **A.** It's a program. I don't know if it's a joint venture

12:01:14 25 or not.

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12:01:15 1 Q. Who's sponsoring the program?

12:01:18 2 A. I believe GE for the versions that I'm aware of.

12:01:22 3 Q. Would you -- is it also like -- well, did you know that

12:01:30 4 GE is working with Aviage and COMAC in that training?

12:01:36 5 A. That sounds close to something I've heard, yes.

12:01:39 6 Q. So you think that might be right?

12:01:44 7 A. It could be.

12:01:44 8 Q. All right. And so you mentioned it's training for

12:01:47 9 mechanics, correct?

12:01:48 10 A. It's my understanding, yes.

12:01:50 11 Q. And does that training include annual seminars?

12:01:53 12 A. Again, it could, yes.

12:01:55 13 Q. Okay. And I think you mentioned that they bring some

12:01:59 14 students in this program to the United States; is that right?

12:02:02 15 A. They do.

12:02:02 16 Q. And they train at GE facilities?

12:02:05 17 A. Yes. They have an off-site, off of the campus, where I

12:02:09 18 think they do it.

12:02:10 19 Q. To your knowledge, is all of the training at GE for these

12:02:15 20 students?

12:02:15 21 A. I'm sorry?

12:02:16 22 Q. To your knowledge, is all the training done at GE for

12:02:19 23 these students?

12:02:20 24 A. I don't know that.

12:02:23 25 Q. I'd like to go back to the investigation if I might.

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12:02:56 1 Forgive me for jumping around.

12:02:58 2 I think you told us that Dr. Zheng was not fired after

12:03:05 3 the investigation was commenced; is that right?

12:03:09 4 **A.** In July of 2017, no, he was not.

12:03:12 5 **Q.** Okay. When was he fired, do you know?

12:03:15 6 **A.** It was sometime in 2018, but I don't recall when.

12:03:20 7 **Q.** Between 2017 and 2018, was Dr. Zheng working at GE?

12:03:29 8 **A.** He was suspended without pay.

12:03:32 9 **Q.** Do you know what he's doing right now?

12:03:46 10 **A.** Generally, I do, yes.

12:03:49 11 **Q.** What is he doing?

12:03:51 12 **A.** He's an engineer.

12:04:00 13 **Q.** When was the first time you met Dr. Zheng?

12:04:06 14 **A.** November the 1st, 2017.

12:04:09 15 **Q.** Let's talk about November the 1st, 2017.

12:04:15 16 First, I'd like to talk about a series of meetings that

12:04:19 17 you attended on October 25th, 26th, and 27th, okay?

12:04:24 18 **A.** Okay.

12:04:24 19 **Q.** All right. On October 26th, you attended a meeting. Do

12:04:33 20 you recall that?

12:04:33 21 **A.** That specific meeting, I don't.

12:04:37 22 **Q.** You don't recall it at all?

12:04:39 23 **A.** Well, I recall meetings in that time frame. I don't

12:04:42 24 recall the specifics of the October 26th meeting.

12:04:47 25 **Q.** All right.

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12:04:48 1 MR. McBRIDE: May I approach the witness, Your  
12:04:50 2 Honor?  
12:04:50 3 THE COURT: For what purpose?  
12:04:52 4 MR. McBRIDE: I want to show him one of his  
12:04:54 5 documents to refresh his recollection.  
12:04:55 6 THE COURT: If it's to refresh his recollection,  
12:04:58 7 have you exhausted his recollection?  
12:05:03 8 BY MR. McBRIDE:  
12:05:03 9 Q. Well, so you don't remember anything about that meeting,  
12:05:06 10 Agent?  
12:05:07 11 THE COURT: You are talking about that meeting that  
12:05:10 12 he doesn't recall, you want to refresh his recollection, you  
12:05:13 13 may show him a document.  
12:05:15 14 MR. McBRIDE: Thank you, Your Honor.  
12:05:16 15 THE COURT: And when the time comes, I'm getting  
12:05:17 16 more hungry.  
12:05:18 17 MR. McBRIDE: I'm sorry, Your Honor?  
12:05:20 18 THE COURT: And when the time comes, I'm getting  
12:05:23 19 more hungry. You can complete this if you'd like.  
12:05:26 20 MR. McBRIDE: Your Honor, if you'd like to break  
12:05:28 21 now, this might be a logical place.  
12:05:28 22 THE COURT: We're going to break. It's a little  
12:05:31 23 after noon. We are going to take a lunch break. During the  
12:05:34 24 lunch break, take a break. Eat well. No discussion of the  
12:05:37 25 case among yourselves or with anyone else. No independent

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12:05:40 1 research. Continue to keep an open mind. We are going to  
12:05:45 2 break for -- we'll come get you at 1:30. Give you a good  
12:05:53 3 break.

12:05:53 4 Out of respect for you, we will rise as you leave.

12:05:58 5 THE COURTROOM DEPUTY: All rise for the jury.

12:05:59 6 (Jury out at 12:06 p.m.)

12:06:31 7 THE COURT: The jury's left. We're going to go into  
12:06:43 8 recess until 1:30 for the lunch break. Anything before we  
12:06:46 9 recess from either side?

12:06:48 10 MR. MANGAN: No, Your Honor.

12:06:49 11 MR. McBRIDE: No, Your Honor.

12:06:50 12 THE COURT: We are in recess until 1:30.

12:06:52 13 THE COURTROOM DEPUTY: This court is in recess until  
12:06:54 14 1:30.

12:06:55 15 (Lunch recess from 12:06 p.m. until 1:29 p.m.)

01:29:16 16 THE COURT: We're back in the courtroom. Are we  
01:29:20 17 ready for the jury from the defendant's perspective?

01:29:24 18 MR. McBRIDE: Yes, Your Honor.

01:29:24 19 THE COURT: The government?

01:29:25 20 MR. MANGAN: Yes, Your Honor.

01:29:26 21 THE COURT: Let's call for the jury.

01:30:22 22 THE COURTROOM DEPUTY: All rise for the jury.

01:30:25 23 (Jury present at 1:30 p.m.)

01:30:52 24 THE COURT: You may all be seated.

01:30:57 25 The 15 jurors have rejoined us after a lunch break. Good

01:31:02 1 afternoon. Welcome back.

01:31:04 2 We will continue to hear testimony.

01:31:06 3 The witness remains under oath.

01:31:09 4 Mr. McBride, you may proceed.

01:31:21 5 MR. McBRIDE: Thank you, Your Honor.

01:31:23 6 THE COURT: Very well.

01:31:24 7 BY MR. McBRIDE:

01:31:25 8 Q. Agent Hull, we were talking about several meetings that

01:31:28 9 took place in October 25th, 26th, and 27th of 2017, remember?

01:31:40 10 All right. I'd like to ask you, you do remember

01:31:43 11 generally, though, that those meetings took place, correct?

01:31:46 12 A. In general, yes.

01:31:47 13 Q. All right. I'm going to try to be a little more artful

01:31:50 14 about this. I am going to ask you some specific questions

01:31:53 15 about those meetings. If you don't recall, please let me

01:31:58 16 know. I hope that your 302 would refresh your recollection.

01:32:02 17 Okay?

01:32:03 18 So the -- do you recall that the October 25th meeting

01:32:07 19 took place at the GE Aviation Response Center?

01:32:11 20 A. That's when it occurs, sure, likely.

01:32:16 21 Q. Do you know what the GE Aviation Response Center is?

01:32:19 22 A. Yes.

01:32:19 23 Q. What is it?

01:32:22 24 A. It's their emergency command post.

01:32:25 25 Q. So the purpose of the meeting was to evaluate the slides

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01:32:32 1 that Dr. Zheng took to China, correct?

01:32:35 2 A. We had meetings about that. If that's the date, that's

01:32:39 3 the date.

01:32:40 4 Q. Okay. Would it be helpful for you to take a look at your

01:32:44 5 302?

01:32:45 6 A. I wouldn't mind it.

01:32:48 7 MR. McBRIDE: Your Honor, may I show Agent Hull his

01:32:50 8 302?

01:32:52 9 THE COURT: To refresh his recollection?

01:32:55 10 MR. McBRIDE: Yes, Your Honor.

01:32:57 11 THE COURT: Yes.

01:33:23 12 BY MR. McBRIDE:

01:33:23 13 Q. Sir, please look up when you're done reviewing it.

01:33:23 14 (Pause.)

01:33:38 15 MR. McBRIDE: May I retrieve that from the witness?

01:33:42 16 THE COURT: Yes.

01:33:54 17 BY MR. McBRIDE:

01:33:56 18 Q. Agent Hull, did reviewing your 302 refresh your

01:33:59 19 recollection about those meetings?

01:34:00 20 A. It does, although I note I didn't draft that particular

01:34:05 21 302.

01:34:07 22 Q. But you signed off on it, did you not?

01:34:09 23 A. I did.

01:34:10 24 Q. So, again, the purpose of these particular meetings in

01:34:20 25 October were about evaluating Dr. Zheng's presentation to

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01:34:27 1 NUAA, correct?

01:34:28 2 **A.** Yes.

01:34:28 3 **Q.** And the purpose of the evaluation was to see whether or

01:34:33 4 not it released any GE trade secrets, correct?

01:34:35 5 **A.** Yes.

01:34:35 6 **Q.** And a number of GE people assisted you, correct?

01:34:38 7 **A.** Yes.

01:34:39 8 **Q.** All right. In that first meeting, I won't go through the

01:34:44 9 names, but there were more GE people than FBI or government

01:34:49 10 people there, correct?

01:34:50 11 **A.** Yes.

01:34:50 12 **Q.** And Mr. Mangan and Ms. Glatfelter were present at those

01:34:55 13 meetings, correct?

01:34:55 14 **A.** They were.

01:34:58 15 **Q.** All right. The first meeting concluded that there was

01:35:02 16 trade secrets in the documents; is that correct?

01:35:07 17 **A.** That's my recollection.

01:35:09 18 **Q.** Okay. Let's move on to the October 26th meeting.

01:35:14 19 So I'm curious, why did another meeting take place based

01:35:19 20 on GE's determination on the 25th?

01:35:22 21 **A.** I think we ran out of time on the day.

01:35:25 22 **Q.** I see. So the October 26th meeting was a continuance of

01:35:30 23 the October 25th meeting?

01:35:31 24 **A.** That's my general recollection.

01:35:33 25 **Q.** Okay. That's fair. And so at that meeting did it also

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01:35:36 1 take place at the GE Aviation Response Center?

01:35:40 2 **A.** It did.

01:35:41 3 **Q.** Okay. And it had the same purpose: to continue to

01:35:46 4 evaluate Dr. Zheng's presentation, correct?

01:35:48 5 **A.** Yes.

01:35:49 6 **Q.** All right. And we had a number of GE people present,

01:35:54 7 correct?

01:35:54 8 **A.** Yes.

01:35:54 9 **Q.** Ms. Glatfelter, correct?

01:35:58 10 **A.** Yes.

01:35:58 11 **Q.** And yourself and Agent Reigle?

01:36:00 12 **A.** Yes.

01:36:00 13 **Q.** And Special Agent -- Supervisory Special Agent Murphy,

01:36:05 14 correct?

01:36:05 15 **A.** Yes.

01:36:06 16 **Q.** Was he your boss at that time?

01:36:07 17 **A.** He was.

01:36:08 18 **Q.** All right. Very good. The result of that second meeting

01:36:18 19 was that there were no trade secrets found on the slides,

01:36:23 20 correct?

01:36:24 21 **A.** There was a debate.

01:36:25 22 **Q.** Pardon me?

01:36:26 23 **A.** There was a debate within the company about that.

01:36:27 24 **Q.** There was a debate. So it was uncertain among the

01:36:30 25 experts at GE whether or not there were any trade secrets,

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01:36:36 1 correct?

01:36:36 2 A. That was the contention.

01:36:37 3 Q. So you also submitted an affidavit in support of a search  
01:36:40 4 warrant for Dr. Zheng's house and some other items on that  
01:36:43 5 same day, did you not?

01:36:44 6 A. I probably did, yes.

01:36:46 7 Q. All right. In that search warrant, do you remember  
01:36:52 8 addressing whether or not Dr. Zheng had released trade  
01:36:58 9 secrets?

01:36:58 10 A. I don't recollect specifically, but it was in the --  
01:37:01 11 there was information within the affidavit about that.

01:37:04 12 Q. All right, then on the October 27th meeting, the next  
01:37:08 13 day, it also took place at the GE Aviation Response Center,  
01:37:12 14 correct?

01:37:12 15 A. Yes.

01:37:13 16 Q. And, again, you were seeking the advice of the GE  
01:37:16 17 experts, correct?

01:37:17 18 A. Yes.

01:37:17 19 Q. All right. And the purpose of seeking that advice was to  
01:37:21 20 determine whether or not Dr. Zheng released any trade secret  
01:37:28 21 information, correct?

01:37:29 22 A. Whether the material he had taken with him to China  
01:37:33 23 contained trade secret material or not.

01:37:35 24 Q. I'm sorry. I couldn't hear you, sir.

01:37:36 25 A. To determine whether or not the information he took to

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01:37:39 1 China contained trade secret, not whether he released it or  
01:37:42 2 not.

01:37:42 3 **Q.** Very good. I appreciate that clarification.

01:37:45 4 And the conclusion of that meeting was that there were no  
01:37:50 5 trade secrets taken to China and presented in that slide show  
01:37:54 6 by Dr. Zheng, correct?

01:37:57 7 **A.** My recollection was that the slides were of less  
01:38:01 8 concern than the original documents.

01:38:04 9 **Q.** Than the what documentation?

01:38:05 10 **A.** The original documentation that he took.

01:38:07 11 **Q.** But that original documentation was never shown to the  
01:38:11 12 students at NUAA, was it?

01:38:13 13 **A.** Not to the best of my knowledge.

01:38:14 14 **Q.** Okay. Did you ever go back and clarify with the  
01:38:21 15 magistrate judge that the consensus of GE was that no trade  
01:38:28 16 secrets were ever revealed? By Dr. Zheng?

01:38:31 17 **A.** With that particular affidavit, I did not.

01:38:34 18 **Q.** Okay. So it seems to me that the next major step in your  
01:38:43 19 investigation was executing the search warrants and  
01:38:47 20 interviewing Dr. Zheng; is that correct?

01:38:49 21 **A.** Yes.

01:38:49 22 **Q.** So at this point did you focus on Dr. Zheng as a possible  
01:38:57 23 insider threat to GE?

01:38:59 24 **A.** I wouldn't say "focus," but, yes, that was one of the  
01:39:03 25 pieces we were looking at, yes.

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01:39:05 1       **Q.**    That's something you wanted to ferret out in your  
01:39:09 2              investigation, correct?  
01:39:10 3       **A.**    Yes.  
01:39:11 4       **Q.**    Okay. So you obtained lawful search warrants for  
01:39:19 5              Mr. Zheng's house, correct?  
01:39:20 6       **A.**    Yes.  
01:39:21 7       **Q.**    And his phone, correct?  
01:39:22 8       **A.**    Yes.  
01:39:22 9       **Q.**    And his car, correct?  
01:39:24 10      **A.**    Yes.  
01:39:25 11      **Q.**    Is that it?  
01:39:26 12      **A.**    For November 1st, that sounds like about all.  
01:39:31 13      **Q.**    Was it also -- also his computers in the house, correct?  
01:39:35 14      **A.**    Yes.  
01:39:36 15      **Q.**    Very good. And you also interviewed Dr. Zheng at GE,  
01:39:42 16              correct?  
01:39:42 17      **A.**    I did.  
01:39:43 18      **Q.**    So explain the sequence of the execution of the search  
01:39:48 19              warrants and your interview of Dr. Zheng.  
01:39:51 20      **A.**    It was early afternoon, was my recollection. GE  
01:39:56 21              requested to speak with him first so they could go through  
01:39:59 22              their corporate inquiry. And once the FBI interview began,  
01:40:05 23              we began executing the search warrants at the home.  
01:40:07 24      **Q.**    And did you simultaneously interview Dr. Zheng?  
01:40:12 25      **A.**    Yes.

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01:40:13 1       **Q.**   So -- and you and Special Agent Reigle interviewed  
01:40:18 2           Dr. Zheng, correct?  
01:40:18 3       **A.**   We did.  
01:40:19 4       **Q.**   All right. You just mentioned that GE wanted to talk to  
01:40:22 5           Dr. Zheng first. Were you present when GE spoke to them?  
01:40:26 6       **A.**   No.  
01:40:27 7       **Q.**   Do you know what GE spoke to Dr. Zheng about?  
01:40:30 8       **A.**   After the fact.  
01:40:31 9       **Q.**   What did they speak to Dr. Zheng about?  
01:40:34 10      **A.**   What he had done with any information he may have  
01:40:37 11           collected in violation of company policy.  
01:40:40 12      **Q.**   So they were asking a question of whether he violated  
01:40:44 13           company policy by releasing this information?  
01:40:46 14      **A.**   Yes.  
01:40:46 15      **Q.**   All right. But you didn't participate in those  
01:40:49 16           questionings at that time?  
01:40:49 17      **A.**   I did not.  
01:40:50 18      **Q.**   All right. So what time did your interview of Dr. Zheng  
01:40:57 19           start?  
01:40:57 20      **A.**   It was early afternoon. Post lunch.  
01:41:04 21      **Q.**   When did it end?  
01:41:05 22      **A.**   Early evening.  
01:41:07 23      **Q.**   The interview was recorded, was it not?  
01:41:10 24      **A.**   It was.  
01:41:10 25      **Q.**   Did Dr. Zheng know it was being recorded?

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01:41:13 1 **A.** He did not.

01:41:14 2 **Q.** In fact, it was in -- the mic was in Agent Reigle's

01:41:18 3 jacket, wasn't it?

01:41:19 4 **A.** In his shirt pocket.

01:41:21 5 **Q.** Shirt pocket. Why didn't you tell Dr. Zheng you were

01:41:24 6 recording him?

01:41:27 7 **A.** We are not obligated to tell him.

01:41:31 8 **Q.** I understand that, but why didn't you?

01:41:31 9 **A.** Not part of our policy.

01:41:33 10 **Q.** So I noticed in the transcript that you told Dr. Zheng he

01:41:46 11 was free to leave after the interview; is that right?

01:41:51 12 **A.** It is.

01:41:52 13 **Q.** Because, of course, this wasn't a custodial

01:41:58 14 interrogation, was it?

01:41:59 15 **A.** No, it wasn't. It was a non-custodial interview.

01:42:02 16 **Q.** And so as a result of that you didn't have to read him

01:42:05 17 his *Miranda* rights, did you?

01:42:08 18 **A.** No.

01:42:08 19 **Q.** All right. I'd like to ask you about the practical

01:42:11 20 reality of that. At the time Dr. Zheng was undergoing a seven

01:42:19 21 and a -- seven hour, fifteen minutes interview with you and

01:42:22 22 Agent Reigle?

01:42:22 23 **A.** Ballpark, sure.

01:42:25 24 **Q.** And during the interview, you took his car out of the lot

01:42:31 25 to be searched, right?

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01:42:33 1       **A.** He did not know that for the majority of the interview.

01:42:36 2       **Q.** No, but you took it out. He couldn't access his car if

01:42:40 3 he got up and left, could he.

01:42:42 4       **A.** We seized it pursuant to legal process.

01:42:44 5       **Q.** I'm not arguing that. What I am saying to you is, if

01:42:48 6 Dr. Zheng said to you early in the conversation, "You know

01:42:50 7 what? I'm going to leave," he didn't have a car in the

01:42:53 8 parking lot, did he?

01:42:54 9       **A.** He did not, but he could still leave.

01:42:58 10      **Q.** And he didn't have access to his phone, did he?

01:43:01 11      **A.** He did not.

01:43:02 12      **Q.** In fact, you asked -- he asked to call his wife, did he

01:43:07 13 not?

01:43:07 14      **A.** He did.

01:43:08 15      **Q.** And you required him to call his wife on, I believe,

01:43:13 16 agent's -- Agent Reigle's cell phone, right?

01:43:16 17      **A.** One of the phones we had in the room, yes.

01:43:18 18      **Q.** One of the phones you had in the room. And you required

01:43:20 19 that he have it on speaker when he spoke to his wife, correct?

01:43:24 20      **A.** I asked that he did, yes.

01:43:26 21      **Q.** And you required that he speak in English, correct?

01:43:31 22      **A.** I asked that he did, yes.

01:43:32 23      **Q.** And, of course, he did, correct?

01:43:34 24      **A.** He did.

01:43:35 25      **Q.** All right. And while that interview was going on, the

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01:43:40 1       FBI was searching his home, correct?

01:43:43 2       **A.** Yes.

01:43:43 3       **Q.** What items did you seize from his house?

01:43:47 4       **A.** I don't remember the entire inventory. It was mostly

01:43:50 5       electronic media, the business card that we referenced

01:43:54 6       repeatedly.

01:43:56 7       **Q.** Bear with me a moment, sir. All right.

01:44:04 8                  You also wouldn't allow Dr. Zheng to leave your sight,

01:44:10 9                  would you, during the interview?

01:44:12 10       **A.** I don't know what you mean by that. We were in the

01:44:18 11       room together.

01:44:18 12       **Q.** Well, at some point Mr. Zheng wanted to go to the

01:44:22 13       bathroom, didn't he?

01:44:24 14       **A.** Oh, yeah, he went to the bathroom.

01:44:26 15       **Q.** And Agent Reigle followed him into the bathroom, didn't

01:44:30 16       he?

01:44:30 17       **A.** I believe Agent Reigle also used the bathroom.

01:44:33 18       **Q.** So the answer is "yes."

01:44:35 19                  THE COURT: Is that a question?

01:44:38 20                  MR. McBRIDE: I'm sorry.

01:44:39 21       BY MR. McBRIDE:

01:44:39 22       **Q.** So your answer is "yes"?

01:44:40 23       **A.** Agent Reigle used the bathroom as well.

01:44:43 24       **Q.** And Agent Reigle had the recorder going while both

01:44:47 25       gentlemen were in the restroom, correct?

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01:44:48 1     **A.** That could be, yes.

01:44:50 2     **Q.** Well, you've listened to the recording, have you not?

01:44:55 3     **A.** Actually, I never have. I've only read the transcript.

01:44:59 4     **Q.** And Dr. Zheng insisted in the beginning that he did not

01:45:08 5 release any trade secrets, didn't he?

01:45:10 6     **A.** He made statements to that effect.

01:45:12 7     **Q.** And then by the end, you had convinced him that he had

01:45:17 8 released trade secrets, did you not?

01:45:19 9     **A.** That was a statement that he had made.

01:45:21 10    **Q.** Say again?

01:45:22 11    **A.** That's a statement he had made.

01:45:26 12    **Q.** After -- at the end of the seven-hour interrogation,

01:45:29 13 correct?

01:45:29 14    **A.** It was an interview.

01:45:30 15    **Q.** Pardon me. Interview. After the end of the seven-hour

01:45:33 16 interview?

01:45:34 17    **A.** Yes.

01:45:35 18    **Q.** But you knew at that point that the slide presentation

01:45:42 19 did not release any trade secrets from GE, did you not?

01:45:47 20    **A.** Again, we also dove into the details of the documents

01:45:50 21 he took with him, and that was still up for debate.

01:45:55 22    **Q.** Right. But you got him to admit in your interview that

01:46:02 23 he had released trade secrets, didn't you?

01:46:04 24    **A.** He thought he had.

01:46:05 25    **Q.** And you led him to that point, did you not?

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01:46:07 1       **A.** All the information pointed to that from the material  
01:46:10 2 that he took.

01:46:10 3       **Q.** Except for the fact that you knew by talking to the GE  
01:46:15 4 folks on October 27th that he had not released trade secrets,  
01:46:20 5 did you not?

01:46:20 6       **A.** Again, we were not investigating the release  
01:46:22 7 exclusively. We were trying to determine if the  
01:46:26 8 documentation he took to make the slides in the PowerPoint  
01:46:29 9 was or was not.

01:46:29 10      **Q.** Then what was the point of interviewing about the slides?

01:46:32 11      **A.** Because that's the bit that we knew had likely been  
01:46:34 12 released. We were trying to determine if anything else had  
01:46:38 13 also been released.

01:46:39 14      **Q.** But you already knew that there were no trade secrets in  
01:46:42 15 the materials he had released; yes?

01:46:46 16      **A.** Again, still under discussion with GE, but, yes.

01:46:49 17      **Q.** GE came back and told you there was no trade secrets  
01:46:57 18 released in those power slides, did they not?

01:47:00 19      **A.** Different engineers gave different opinions, so it  
01:47:04 20 varied.

01:47:05 21      **Q.** Well, you haven't charged him with releasing trade  
01:47:10 22 secrets, have you?

01:47:10 23      **A.** The FBI doesn't charge people. The Department of  
01:47:14 24 Justice does.

01:47:14 25      **Q.** He is on trial for conspiracy here, correct?

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01:47:17 1       **A.** Who is?

01:47:19 2       **Q.** Mr. Xu is on trial for conspiracy to steal trade secrets,

01:47:25 3 correct?

01:47:26 4       **A.** He is.

01:47:26 5       **Q.** Because Mr. Xu -- Mr. Zheng never released any trade

01:47:33 6 secrets, correct?

01:47:33 7       **A.** I'm uncertain.

01:47:36 8       **Q.** That's fair.

01:47:44 9                  All right. I'm going to switch topics a little bit with

01:47:48 10 some of the investigation.

01:47:54 11                  MR. McBRIDE: Your Honor, may I publish to the jury

01:47:57 12 Government's Exhibit 60b? I believe it's been admitted.

01:48:00 13                  THE COURT: You may publish it.

01:48:03 14                  MR. McBRIDE: Paul, can we put up that exhibit?

01:48:05 15 Please show the first page.

01:48:17 16 BY MR. McBRIDE:

01:48:17 17       **Q.** Do you have the exhibit in front of you, sir?

01:48:19 18       **A.** I do.

01:48:19 19       **Q.** Do the exhibits show up on your screen there?

01:48:22 20       **A.** It does.

01:48:23 21       **Q.** Is that Government Exhibit 60b?

01:48:27 22       **A.** It is, yes.

01:48:32 23                  MR. McBRIDE: Can we see page 7, sir.

01:48:32 24 BY MR. McBRIDE:

01:48:52 25       **Q.** So I believe you testified earlier that you believed --

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01:48:56 1 strike that. How did Chen Meng find Dr. Zheng?

01:49:04 2 A. On LinkedIn.

01:49:07 3 Q. LinkedIn is a legal platform, isn't it? There is nothing

01:49:13 4 illegal about it, correct?

01:49:14 5 A. No.

01:49:14 6 Q. What's its purpose?

01:49:15 7 A. It's to connect people in the business world.

01:49:17 8 Q. And many people have LinkedIn addresses or LinkedIn

01:49:22 9 profiles, do they not?

01:49:25 10 A. I imagine they do.

01:49:25 11 Q. And on it they list their professional credentials, do

01:49:27 12 they not?

01:49:28 13 A. Some do.

01:49:29 14 Q. Many do, correct?

01:49:30 15 A. Yes.

01:49:31 16 Q. Because it is, of course, as you just said, for

01:49:35 17 professionals to meet each other or to link up, correct?

01:49:39 18 A. Yes.

01:49:40 19 Q. So Chen Feng found Dr. Zheng on LinkedIn and then opened

01:49:54 20 a communication with him, correct?

01:49:56 21 A. The individual utilizing the jeremy@nuaa.edu.cn, I

01:50:01 22 believe did, which I do not believe was Chen Feng.

01:50:05 23 Q. So you don't know who sent the email, this

01:50:09 24 jeremynuaa@edu.cn email, correct?

01:50:15 25 A. I do not.

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01:50:16 1 Q. In fact, you don't know who sent it, do you?

01:50:19 2 A. I do not.

01:50:20 3 Q. Of course, you weren't there with -- with whoever sent

01:50:24 4 this at the time it was sent, were you?

01:50:26 5 A. No.

01:50:26 6 Q. Because they are in China presumably, correct?

01:50:30 7 A. Yes.

01:50:31 8 Q. All right. Would you -- so this email or -- this email

01:50:39 9 seems to be about an itinerary that has been finalized; is

01:50:45 10 that fair?

01:50:45 11 A. It is.

01:50:46 12 Q. Will you go back and will you read the middle paragraph,

01:50:50 13 please?

01:50:51 14 A. "I will go back to my alma mater in Harbin first, then

01:50:56 15 I will go back to my own hometown in Anhui. I can come to

01:51:00 16 NUAA to do an exchange on June 1st or 2nd. I am wondering

01:51:03 17 about your schedule and arrangements for these two days."

01:51:07 18 Q. The reference to "my alma mater Harbin" -- "my alma mater

01:51:14 19 Harbin," do you know what that is?

01:51:15 20 A. Yes. That's a university in Harbin. It's in northeast

01:51:19 21 China.

01:51:19 22 Q. Do you know what kind of university it is?

01:51:21 23 A. It's an engineering one, to the best of my

01:51:23 24 recollection.

01:51:23 25 Q. So you heard Dr. Mulvenon testify about the Seven Sons?

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01:51:29 1 A. Yes.

01:51:29 2 Q. What was your understanding of the Seven Sons?

01:51:30 3 A. It's major universities that are responsible for the R

01:51:34 4 and D or the teaching of the field of R and D for PRC.

01:51:38 5 Q. Do you know that Harbin University is one of the Seven

01:51:38 6 Sons?

01:51:41 7 A. I do.

01:51:41 8 Q. So General Electric hired an engineer from one of the

01:51:57 9 Seven Sons university to be an engineer on an important

01:52:00 10 project; is that right?

01:52:02 11 A. I imagine they hire people from lots of universities.

01:52:08 12 MR. McBRIDE: Could we remove that one, Paul. And

01:52:13 13 could we go to 60 Bravo, page 18.

01:52:27 14 BY MR. McBRIDE:

01:52:42 15 Q. Would you -- this is from whoever is representing himself

01:52:46 16 to be Chen Feng, is it not?

01:52:48 17 A. It is.

01:52:49 18 Q. All right. And earlier there was an email or a WeChat

01:52:56 19 from Dr. Zheng to whoever is Chen Feng saying I have to follow

01:53:09 20 company policy, or words of that effect, correct?

01:53:09 21 A. I don't think that date is accurate. I don't think

01:53:13 22 they are using LinkedIn on May the 18th. I think that

01:53:16 23 happened later.

01:53:18 24 Q. Okay. All right. Will you read after "How are you,"

01:53:25 25 that first paragraph.

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01:53:26 1       **A.**    "Regarding the content of the exchange, we fully  
01:53:30 2 respect your opinions, and will only discuss general topics  
01:53:33 3 in the area of engine materials that will not violate your  
01:53:37 4 company's technical agreement requirements."

01:53:40 5       **Q.**    Thank you.

01:53:52 6                  I think you testified earlier -- correct me if I'm  
01:53:55 7 wrong -- that when Dr. Zheng went and spoke at NUAA, his  
01:53:59 8 travel and lodging was paid for by NUAA or someone, correct?

01:54:04 9       **A.**    Yes.

01:54:04 10      **Q.**    Is that unusual?

01:54:07 11      **A.**    It's a little unusual.

01:54:09 12      **Q.**    It's unusual, in your opinion, for somebody to travel to  
01:54:13 13 give a lecture and not get travel expenses?

01:54:16 14      **A.**    I was in academia for ten years and no one ever paid to  
01:54:22 15 have me come speak.

01:54:23 16      **Q.**    How many academic speeches did you give?

01:54:26 17      **A.**    Probably a dozen.

01:54:28 18      **Q.**    You also found that after that trip Dr. Zheng came home  
01:54:34 19 with about \$20,000, didn't he?

01:54:36 20      **A.**    16,100.

01:54:39 21      **Q.**    Thank you. Where did that money come from?

01:54:42 22      **A.**    I don't know.

01:54:43 23      **Q.**    It didn't come from NUAA, did it?

01:54:48 24      **A.**    A portion of it did.

01:54:49 25      **Q.**    Well, the portion that was his travel and lodging,

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01:54:53 1 correct?

01:54:54 2 A. Plus a honorarium, or a gift.

01:54:56 3 Q. And Dr. Zheng cleared that money when he came through the  
01:55:01 4 United States customs, didn't he?

01:55:02 5 A. It was found during a secondary inspection.

01:55:05 6 Q. He declared the money, didn't he?

01:55:07 7 A. It was found during a secondary inspection.

01:55:09 8 Q. So did he declare it or not at the -- in the airport?

01:55:12 9 A. I don't recall.

01:55:13 10 Q. You don't know. Okay. Would you be surprised if he did?

01:55:17 11 A. I would not.

01:55:19 12 Q. Would you be surprised if that money came from an account  
01:55:25 13 he has back in China?

01:55:27 14 A. That is not what he told me.

01:55:29 15 Q. What did he tell you?

01:55:30 16 A. That roughly \$3,500 of it was material provided by the  
01:55:36 17 defendant, and the rest was a loan payback from a family  
01:55:41 18 member.

01:55:41 19 Q. I'm sorry. I didn't catch that.

01:55:44 20 A. It was a loan payback from a family member.

01:55:49 21 Q. It was a loan payback from a family member. And you have  
01:55:51 22 no reason to dispute that, do you?

01:55:53 23 A. No.

01:55:53 24 Q. So at some point in your investigation, you stopped  
01:56:00 25 focusing on Dr. Cheng as a target, correct?

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01:56:04 1     **A.** Do you mean Dr. Zheng?

01:56:06 2     **Q.** Dr. Zheng.

01:56:08 3     **A.** We conducted an operational pivot.

01:56:12 4     **Q.** Which means he was no longer a target, correct?

01:56:14 5     **A.** He was cooperating.

01:56:18 6     **Q.** Right. He went from a target to a cooperator, correct?

01:56:21 7     **A.** He did.

01:56:22 8     **Q.** And what is a cooperator?

01:56:29 9     **A.** Someone who assists the FBI with investigations.

01:56:33 10    **Q.** All right. And so Dr. Chang now became somebody to assist you in your investigation further, correct?

01:56:38 11    **A.** Yes.

01:56:43 12    **Q.** All right. And you were furthering that investigation because you didn't have a case against Dr. Zheng anymore,

01:56:46 13    **A.** didn't you?

01:56:50 14    **Q.** I don't make a determination on prosecution.

01:56:54 15    **A.** I wasn't asking that question.

01:56:57 16    FBI agents conduct their investigations and then make a recommendation to the prosecution. Your investigation with

01:57:01 17    **A.** Dr. Cheng had gone about as far as they could, didn't they?

01:57:04 18    **Q.** Again, his name is Zheng. And it could have gone into

01:57:07 19    **A.** another path, but we picked this path.

01:57:13 20    **Q.** So you left the path of Dr. Zheng being a target,

01:57:16 21    **A.** correct?

01:57:21 22    **Q.** We conducted an operational pivot.

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01:57:26 1       **Q.** And then he became a cooperator, correct?

01:57:30 2       **A.** Yes.

01:57:30 3       **Q.** How much time passed between Dr. Zheng returning from

01:57:43 4       China to the first reach-out as a cooperating -- as a

01:57:50 5       cooperator to Chen Feng?

01:57:54 6       **A.** The last contact I recall via WeChat was May.

01:58:00 7       Recontact was established in November. Excuse me -- June.

01:58:06 8       June of '17 and November of '17.

01:58:16 9       **Q.** And you through Dr. Zheng initiated that contact, didn't

01:58:21 10      you?

01:58:21 11     **A.** I did.

01:58:23 12                    MR. McBRIDE: Your Honor, may we publish to the jury

01:58:25 13                    and the witness Government Exhibit 67c, which I believe has

01:58:30 14                    been admitted into evidence.

01:58:31 15                    THE COURT: Any objection?

01:58:33 16                    MR. MANGAN: No, Your Honor.

01:58:34 17                    THE COURT: Yes.

01:58:44 18                    MR. McBRIDE: Paul, could we see 67c?

01:58:48 19                    Could we focus on the very top of page 1.

01:58:50 20                    BY MR. McBRIDE:

01:58:51 21       **Q.** Agent, do you see that?

01:58:52 22       **A.** I do.

01:58:53 23       **Q.** WeChat? Very top line I am going to ask you about.

01:58:56 24                    Is that your first reach-out to Chen Feng?

01:59:01 25       **A.** Yes.

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01:59:02 1 Q. And that's dated November 21, 2017, correct?

01:59:08 2 A. It is.

01:59:09 3 Q. All right. Thank you.

01:59:16 4 MR. McBRIDE: Could we see page 3, Paul.

01:59:19 5 BY MR. McBRIDE:

01:59:19 6 Q. And Chen Feng responded to this, did he not?

01:59:25 7 A. He did.

01:59:27 8 Q. At the top of page 3, would you read the first green box?

01:59:35 9 A. "Hi, Teacher Chen. I am thinking about going back

01:59:39 10 during early February, probably a week before New Year. But

01:59:43 11 I know the plane tickets are relatively expensive during

01:59:46 12 that time, so I haven't pulled the trigger."

01:59:49 13 Q. So is this your second reach-out to Chen Feng?

01:59:52 14 A. It's the second message we sent after he responded.

02:00:05 15 Q. That's fair. Thank you.

02:00:07 16 MR. McBRIDE: Could we move down a page, Paul.

02:00:24 17 BY MR. McBRIDE:

02:00:24 18 Q. All right. Would you read that white box?

02:00:28 19 A. "Hello, Teacher. The school is on break during the end

02:00:31 20 of the year, and it is rather difficult to process the

02:00:34 21 financial matters. I discussed this with Mr. Qu from the

02:00:38 22 Province Science and Technology Association several days

02:00:41 23 ago. They will be in charge to work on your China traveling

02:00:44 24 expenses."

02:00:45 25 Q. So Chen Feng suggested Mr. Qu; is that correct?

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02:00:57 1       **A.** He did.

02:00:57 2       **Q.** You had no reason not to believe the school was on break

02:01:02 3                  during that time, do you?

02:01:03 4       **A.** No. It was Chinese New Year. I anticipated it would

02:01:07 5                  be.

02:01:07 6       **Q.** So it's logical that NUAA may not want Dr. Zheng to come

02:01:11 7                  and lecture, is it not?

02:01:13 8       **A.** It is.

02:01:14 9       **Q.** All right. And it's also logical that they might hand

02:01:18 10                  off Dr. Zheng's request to lecture to somebody else, correct?

02:01:25 11       **A.** It is.

02:01:26 12       **Q.** And Dr. Zheng had met Qu Hui at that -- earlier when he

02:01:36 13                  lectured, correct?

02:01:37 14       **A.** You mean your client? Yes.

02:01:39 15       **Q.** Well, Qu Hui, whoever that is, correct?

02:01:42 16       **A.** Yes.

02:01:45 17       **Q.** And then because Qu Hui represented himself as working

02:01:51 18                  for JAST, correct?

02:01:52 19       **A.** Yes.

02:01:53 20       **Q.** And would you tell us again what JAST is?

02:01:55 21       **A.** Jiangsu Association For Science and Technology.

02:02:00 22       **Q.** And do you know what they do?

02:02:00 23       **A.** Generally, yes.

02:02:01 24       **Q.** What do they do generally?

02:02:03 25       **A.** It's an arm of the Chinese Academy of Science and

02:02:08 1 Technology, and they do outreach to try to build  
02:02:12 2 relationships within businesses.

02:02:13 3 **Q.** Have you researched at all NUAA?

02:02:21 4 **A.** A little bit.

02:02:23 5 **Q.** I just want to ask you some questions about it, if I  
02:02:28 6 might.

02:02:31 7       Would you agree with me that it's one of Chinese --  
02:02:36 8 pardon me. Wrong one. I don't want to go to JAST. I was  
02:02:39 9 asking about NUAA, and I don't want to go there yet.

02:02:43 10      All right. In your research, did you find that JAST was  
02:02:49 11 founded in 1959?

02:02:50 12 **A.** I did not.

02:02:53 13 **Q.** Did you find that it consists of 13 province-governed  
02:02:59 14 associations for science and technology? Did you find that?

02:03:02 15 **A.** I did not.

02:03:03 16 **Q.** Did you find that it has 209,000 members?

02:03:08 17 **A.** Not that specific number, no.

02:03:10 18 **Q.** But you knew it had a lot of members, right?

02:03:12 19 **A.** It did.

02:03:13 20 **Q.** All right. You told us that it was about academic  
02:03:18 21 exchanges, correct?

02:03:19 22 **A.** Among other things.

02:03:22 23 **Q.** All right. Did you find out what its objectives were?

02:03:26 24 **A.** Only what they have online.

02:03:29 25 **Q.** Online?

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02:03:30 1 **A.** Um-hmm.

02:03:31 2 **Q.** Okay. And they have online "to promote academic

02:03:37 3 exchanges," correct?

02:03:38 4 **A.** Again, amongst other things, yes.

02:03:40 5 **Q.** "Sponsor seminars," correct?

02:03:43 6 **A.** Yes.

02:03:43 7 **Q.** "Enliven academic ideas," correct?

02:03:44 8 **A.** Yes.

02:03:44 9 **Q.** "Develop disciplines," correct?

02:03:47 10 **A.** Yes.

02:03:47 11 **Q.** "Upgrade the standard of science and technology,"

02:03:50 12 correct?

02:03:50 13 **A.** Yes.

02:03:50 14 **Q.** And "accelerate economic development and social

02:03:55 15 progress," correct?

02:03:55 16 **A.** Yes.

02:03:56 17 **Q.** All right. Did you also learn that it has a number of

02:04:00 18 joint ventures in America?

02:04:02 19 **A.** JAST does?

02:04:03 20 **Q.** Um-hmm.

02:04:04 21 **A.** I was not aware of that.

02:04:06 22 **Q.** Well, you are aware that the University of Michigan had

02:04:13 23 an exchange with JAST, did you not?

02:04:15 24 **A.** I was not.

02:04:17 25 **Q.** You didn't invest -- you didn't interview a woman named

02:04:26 1 Sun.

02:04:26 2 **A.** I did do that, yes. She wasn't from JAST.

02:04:28 3 **Q.** Pardon me?

02:04:29 4 **A.** She wasn't from JAST. She was from NUAA.

02:04:31 5 **Q.** Okay. My apologies, but thank you.

02:04:44 6 May I ask, when you were using Dr. Zheng as a cooperator,

02:04:50 7 did you take his phone?

02:04:52 8 **A.** Did I take his phone?

02:04:55 9 **Q.** Yes.

02:04:56 10 **A.** We had already seized his phone pursuant to the search

02:04:59 11 warrant.

02:04:59 12 **Q.** All right. But you kept the phone?

02:05:00 13 **A.** We did.

02:05:00 14 **Q.** And the purpose in keeping the phone was to disguise the

02:05:04 15 fact that Zheng was now a cooperator, correct?

02:05:09 16 **A.** The purpose of keeping the phone was because it was

02:05:12 17 evidence.

02:05:12 18 **Q.** Okay. But you used that phone to make your contacts with

02:05:17 19 Chen Feng and Qu Hui -- Qu Hui, correct?

02:05:21 20 **A.** No, we did not.

02:05:21 21 **Q.** What phone did you use?

02:05:23 22 **A.** We used an old FBI phone that we rooted.

02:05:30 23 **Q.** Why did you do that?

02:05:31 24 **A.** Because we didn't want to change the evidence that we

02:05:34 25 had seized within the phone itself.

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02:05:35 1     **Q.**   So why is it the MSS didn't detect that you were using a  
02:05:40 2                 different phone?

02:05:41 3     **A.**   Because we side-loaded the app into it.

02:05:45 4     **Q.**   What does that mean?

02:05:46 5     **A.**   We hard-loaded the app into the phone so it looked  
02:05:49 6                 exactly like the app that had been on Dr. Zheng's phone.

02:05:52 7     **Q.**   And the purpose was to conceal the fact that Dr. Zheng is  
02:05:55 8                 now working with the FBI, correct?

02:05:56 9     **A.**   Yes.

02:05:57 10    **Q.**   All right. You testified earlier that you essentially  
02:06:11 11                 authored the messages sent to Qu Hui, correct?

02:06:19 12    **A.**   I did. I gave the direction of the statements, and  
02:06:22 13                 then they were translated.

02:06:23 14    **Q.**   You gave the direction of the statement to a FBI  
02:06:27 15                 translator, correct?

02:06:28 16    **A.**   I did.

02:06:28 17    **Q.**   And then you watched as Dr. Zheng typed them into the  
02:06:33 18                 phone; is that right?

02:06:34 19    **A.**   On some instances, yes.

02:06:36 20    **Q.**   Other instances, who typed them in?

02:06:38 21    **A.**   He did.

02:06:39 22    **Q.**   Okay. So on all instances, Dr. Zheng typed them in?

02:06:42 23    **A.**   Yes.

02:06:43 24    **Q.**   So I'm interested in your initial -- I am going to ask  
02:06:46 25                 you some questions about your initial drafting of these

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02:06:50 1 messages.

02:06:51 2 Did you draft them by yourself?

02:06:53 3 **A.** I talked to people in my team to do it.

02:06:58 4 **Q.** So you got input from your team, correct?

02:07:00 5 **A.** I did.

02:07:01 6 **Q.** So these weren't just your words, correct?

02:07:03 7 **A.** No. But the ultimate decision of the words was mine.

02:07:07 8 **Q.** What kind of input did you get?

02:07:11 9 **A.** All kinds.

02:07:11 10 **Q.** Give me an example.

02:07:13 11 **A.** An analyst would give me an opinion, and I would adjust

02:07:16 12 it. A linguist would tell me something I was asking for was

02:07:21 13 not culturally appropriate, so we would adjust it.

02:07:24 14 **Q.** Is that how you came to use the word "filial piety"?

02:07:28 15 **A.** Yes.

02:07:44 16 **Q.** And so what was the purpose of these messages that you

02:07:48 17 were sending to Qu Hui.

02:07:49 18 **A.** We tried to identify the individual on the other end.

02:07:53 19 **Q.** You didn't think at that time it was Mr. Xu?

02:07:58 20 **A.** We thought it was.

02:07:59 21 **Q.** But you didn't know?

02:08:00 22 **A.** We didn't know.

02:08:01 23 **Q.** All right. Just like you didn't know who was

02:08:05 24 representing themselves as Chen Feng, correct?

02:08:08 25 **A.** Correct.

02:08:10 1 Q. And, again, because you are not sitting there. It makes  
02:08:11 2 perfect sense, does it not?  
02:08:12 3 A. It does.  
02:08:15 4 THE COURT: At the appropriate time, we need to take  
02:08:17 5 a break.  
02:08:19 6 MR. MCBRIDE: Your Honor, that would be fine, Your  
02:08:21 7 Honor.  
02:08:21 8 THE COURT: Very well. Ladies and gentlemen, we are  
02:08:22 9 going to give you another break, 20 minutes till 1:30 [sic].  
02:08:26 10 During the break, take a break. Don't discuss the case among  
02:08:29 11 yourselves or with anyone else. No independent research.  
02:08:32 12 Continue to keep an open mind.  
02:08:33 13 We'll rise out of respect for you as you leave.  
02:08:36 14 THE COURTROOM DEPUTY: All rise for the jury.  
02:08:38 15 (Jury out at 2:08 p.m.)  
02:09:21 16 THE COURT: We're in recess for 20 minutes unless  
02:09:24 17 there is anything else?  
02:09:26 18 MR. MANGAN: No, Your Honor.  
02:09:27 19 THE COURT: See you at 1:30.  
02:09:29 20 THE COURTROOM DEPUTY: This court is in recess until  
02:09:31 21 1:30.  
02:09:32 22 (Recess from 2:09 p.m. until 2:29 p.m.)  
02:29:52 23 THE COURT: We're back in the open courtroom. The  
02:29:56 24 jury's not here. Are we ready to proceed from the  
02:29:59 25 government's perspective?

02:30:01 1 MR. MANGAN: Yes, Your Honor.

02:30:02 2 THE COURT: You ready, Mr. McBride?

02:30:05 3 MR. McBRIDE: Yes, Your Honor.

02:30:06 4 THE COURT: Before we get the jury, I wish to make a

02:30:11 5 statement in the spirit of full disclosure.

02:30:15 6 Mr. McBride, I gave you a lot of latitude in your

02:30:18 7 cross-examination so far. The government has not objected.

02:30:22 8 But I want to be clear that it is irrelevant to the charges in

02:30:26 9 this case whether the information defendant allegedly sought

02:30:32 10 was, A, successfully stolen, B, classified information, or, C,

02:30:40 11 an actual trade secret.

02:30:45 12 Defendant is charged with conspiracy and attempt.

02:30:47 13 Therefore, the fact that no information was stolen, if that's

02:30:50 14 where we are, is irrelevant; and, additionally, the

02:30:54 15 information neither needed to be classified, nor did it have

02:30:58 16 to be an actual trade secret. A finding of guilty for

02:31:03 17 conspiracy or attempt merely requires an agreement to steal or

02:31:11 18 attempt to steal what defendant believes to be a trade secret.

02:31:14 19 I wanted to say that to you outside the presence of the

02:31:17 20 jury, because if we go down that road, that's going to be the

02:31:21 21 instruction to the jury in your presence. Understood?

02:31:26 22 MR. McBRIDE: Yes, sir.

02:31:27 23 THE COURT: Very well. You ready for the jury?

02:31:31 24 MR. McBRIDE: Yes, sir.

02:31:31 25 THE COURT: Let's call for the jury.

02:32:19 1 THE COURTROOM DEPUTY: All rise for the jury.

02:32:22 2 (Jury in at 2:32 p.m.)

02:32:50 3 THE COURT: You may all be seated. Thank you.

02:32:56 4 15 jurors have arrived back from break. We will continue

02:33:01 5 hearing testimony.

02:33:03 6 You may proceed, Mr. McBride.

02:33:05 7 MR. McBRIDE: Thank you, Your Honor.

02:33:06 8 THE COURT: Very well.

02:33:12 9 BY MR. McBRIDE:

02:33:18 10 Q. Agent Hull, we were talking about Dr. Zheng's cooperation

02:33:25 11 with you in your investigation, were we not?

02:33:29 12 A. We were.

02:33:30 13 Q. All right. I'd like to look at some of the -- and I want

02:33:35 14 to look at some of the messages that you drafted and had

02:33:39 15 translated, starting with -- make sure I got the right page

02:33:49 16 here -- 67 Charlie.

02:33:58 17 MR. McBRIDE: Pardon me. Your Honor, may I publish

02:34:01 18 67 Charlie to the jury? It's been admitted.

02:34:04 19 THE COURT: It's been admitted, yes.

02:34:06 20 MR. McBRIDE: Thank you, Your Honor.

02:34:19 21 Paul, could we see page 4, please.

02:34:36 22 BY MR. McBRIDE:

02:34:36 23 Q. Would you look at the green bubble at the bottom of your

02:34:40 24 screen there? What was the purpose of this message, sir?

02:34:53 25 A. The response -- what was the response back to the Chen

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02:35:01 1 Feng message from a couple days previously, asking me if  
02:35:07 2 either we or he had reached out to Qu Hui.

02:35:12 3 Q. What was the purpose of the last sentence which reads,

02:35:17 4 "Also, for the NUAA trip this time, is there any particular  
02:35:21 5 material I need to prepare?"

02:35:27 6 A. It was simply a question.

02:35:29 7 Q. What was the purpose of that sentence, sir?

02:35:30 8 A. To see if NUAA wanted a follow-up presentation.

02:35:36 9 Q. Were you looking for a specific suggestion from NUAA as  
02:35:40 10 to what they wanted?

02:35:41 11 A. Yes.

02:35:42 12 Q. Okay. Thank you.

02:35:51 13 MR. McBRIDE: Paul, if we'd go to 67 Charlie, page  
02:35:56 14 9. If we can focus on the top half, please.

02:36:08 15 BY MR. McBRIDE:

02:36:09 16 Q. At this point, you are talking with Qu Hui, are you not?

02:36:17 17 A. Yes.

02:36:18 18 Q. What was the purpose of the top message?

02:36:29 19 A. It was response back to a message from the 9th  
02:36:37 20 requesting information about the itinerary and then  
02:36:44 21 chiding -- chiding us for not being more responsive on  
02:36:48 22 WeChat. So we gave our apologies and then asked what  
02:36:52 23 material may be needed for the exchange.

02:36:55 24 Q. Again, were you trying to get a specific suggestion from  
02:36:58 25 Qu Hui?

02:36:59 1       **A.** Yes.

02:37:00 2       **Q.** Would you read Qu Hui's response at the bottom in the

02:37:04 3 white block there in the middle?

02:37:06 4       **A.** "Teacher, as for now, there's nothing you need to

02:37:10 5 prepare from my end."

02:37:13 6       **Q.** What did you do next?

02:37:17 7       **A.** Waited a couple days and responded.

02:37:23 8                             BY MR. McBRIDE: Could we see the bottom image.

02:37:30 9                             BY MR. McBRIDE:

02:37:30 10      **Q.** Would you read from "Right now" on.

02:37:35 11      **A.** "Right now, in my situation, it's convenient for me to

02:37:39 12 gather relevant information. It is also my desire to

02:37:42 13 maintain the good relationship between the Science and

02:37:44 14 Technology Association."

02:37:47 15      **Q.** What was the purpose of the phrase "it's convenient for

02:37:50 16 me to gather relevant information"?

02:37:53 17      **A.** Well, if Dr. Zheng was going to be flying to China and

02:37:57 18 he was going to give another presentation, he would need to

02:38:00 19 start collecting that now.

02:38:03 20      **Q.** Were you trying to show Qu Hui that it's easy for -- that

02:38:10 21 he can get information to -- that Dr. Zheng can get

02:38:13 22 information?

02:38:13 23      **A.** Yes.

02:38:14 24      **Q.** And that it would be easy to do for -- do so right now,

02:38:18 25 correct?

02:38:18 1 **A.** Yes.

02:38:19 2 **Q.** That's kind of a bait for Qu Hui, isn't it?

02:38:25 3 **A.** It's an offer.

02:38:27 4 **Q.** Okay. That's fair.

02:38:34 5 MR. McBRIDE: Could we move, Paul, to page 10.

02:38:44 6 BY MR. McBRIDE:

02:38:45 7 **Q.** Would you look at the middle block, sir?

02:38:49 8 **A.** I'm sorry. Can you repeat that?

02:38:51 9 **Q.** Would you look at the green block in the middle, please?

02:38:54 10 **A.** It's the same message.

02:38:56 11 **Q.** My apologies.

02:38:57 12 BY MR. McBRIDE: Could we go to 11.

02:38:57 13 BY MR. McBRIDE:

02:39:06 14 **Q.** Would you look at the top box, please.

02:39:09 15 **A.** Yes.

02:39:09 16 **Q.** And you wrote that, of course?

02:39:11 17 **A.** I did.

02:39:14 18 **Q.** Would you read the first sentence of that block?

02:39:18 19 **A.** "Just recently I've heard the speculation about laying

02:39:22 20 off in my department."

02:39:23 21 **Q.** What was the purpose of making that state to Qu Hui?

02:39:27 22 **A.** It was something that had been reported pretty

02:39:30 23 frequently in the business and international press, that GE

02:39:33 24 was conducting pretty massive layoffs as part of the

02:39:36 25 restructuring. So we led with that piece of association in

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02:39:41 1 there.

02:39:41 2 Q. Were you trying to get Qu Hui to ask for more specific

02:39:45 3 information?

02:39:46 4 A. Yes.

02:39:47 5 Q. And were you trying -- trying to show Qu Hui that you had

02:39:52 6 a motive now to collect information?

02:39:54 7 A. It was a statement about something that was

02:39:57 8 internationally known at that point.

02:39:59 9 Q. But losing your job could be a motive, could it not?

02:40:03 10 A. It could.

02:40:04 11 Q. And is that why you put that statement in there?

02:40:09 12 A. Again, it was context.

02:40:16 13 Q. It wasn't to sweeten the pot, so to speak?

02:40:19 14 A. Based on the interpretation of the receiver.

02:40:25 15 MR. McBRIDE: Could we turn to page 17.

02:40:38 16 BY MR. McBRIDE:

02:40:39 17 Q. All right. Now, correct me if I'm wrong. I believe at

02:40:42 18 this point in the communication a trip had been planned to

02:40:45 19 France; is that correct?

02:40:46 20 A. No, it's not.

02:40:51 21 Q. Where are we in this, the top communication? What's the

02:40:55 22 circumstance in your investigation right now?

02:40:58 23 A. We were indicating that the doctor would be unable to

02:41:01 24 travel to China.

02:41:03 25 Q. Why did you make that representation?

02:41:06 1       **A.**    Why?

02:41:07 2       **Q.**    Um-hmm.

02:41:08 3       **A.**    Because we weren't going to send him to China.

02:41:11 4       **Q.**    So I think you told us earlier that you didn't want to

02:41:14 5              take Dr. Zheng originally, correct? With you to China?

02:41:20 6       **A.**    Well, we were never going to go to China.

02:41:23 7       **Q.**    Apologies. To Belgium.

02:41:24 8       **A.**    No. Dr. Zheng had already -- we had planned on taking

02:41:27 9              him to Belgium.

02:41:28 10       **Q.**    So the plan was Dr. Zheng would never go to China for the

02:41:31 11              NUAA exchange?

02:41:33 12       **A.**    Yes.

02:41:33 13       **Q.**    Okay. All right. Could we look at --

02:41:52 14              MR. McBRIDE: Your Honor, may I publish Exhibit 68?

02:41:55 15              THE COURT: It's been admitted?

02:41:57 16              MR. McBRIDE: It has, Your Honor.

02:41:58 17              THE COURT: Yes, you may.

02:42:05 18       BY MR. McBRIDE:

02:42:05 19       **Q.**    Sir, can you see Exhibit 68? I'll wait till you get to

02:42:09 20              it.

02:42:28 21              BY MR. McBRIDE: And then could we look at page 3.

02:42:28 22       BY MR. McBRIDE:

02:42:45 23       **Q.**    Now, you testified before that this was sent to Qu Hui,

02:42:50 24              correct, sir?

02:42:51 25       **A.**    Yes.

02:42:52 1       **Q.** And you also testified, I believe, that the GE9X is one  
02:42:57 2 of General Electric's more advanced jet engines, correct?  
02:43:02 3       **A.** Yes.  
02:43:03 4       **Q.** It has the composite components that we've been talking  
02:43:08 5 about, correct?  
02:43:08 6       **A.** It does.  
02:43:08 7       **Q.** And this, of course, was cleared by GE, correct?  
02:43:10 8       **A.** Yes.  
02:43:11 9       **Q.** All right. So what was the purpose in sending this to Qu  
02:43:16 10 Hui?  
02:43:16 11       **A.** He had been asking about system design, and we were  
02:43:19 12 uncertain as to what that term really meant.  
02:43:22 13       **Q.** So what was the purpose in sending this to him?  
02:43:24 14       **A.** To see if he would indicate if this was the type of  
02:43:27 15 information that he was referring to or if it was something  
02:43:30 16 different.  
02:43:31 17       **Q.** Just out of curiosity, would you look down at the bottom  
02:43:36 18 and then left where it says "LS-Dyno" -- "Dyna FBO,  
02:43:42 19 calculations and optimization"?  
02:43:46 20       **A.** Yes.  
02:43:46 21       **Q.** Do you know what that means?  
02:43:47 22       **A.** It's a testing program.  
02:43:49 23       **Q.** Computer -- computer program?  
02:43:50 24       **A.** Yes.  
02:43:52 25       **Q.** Thank you.

02:43:59 1 As I recall, you never got a response whether or not Qu  
02:44:01 2 Hui was interested in this document, correct?  
02:44:03 3 A. I think he said he wanted to talk about it when we met  
02:44:08 4 in person.  
02:44:08 5 Q. Okay. And then the next item that you sent to Qu Hui is  
02:44:16 6 the computer directory, correct?  
02:44:19 7 A. Yes, at his request.  
02:44:25 8 Q. The computer directory was put together by General  
02:44:29 9 Electric, correct?  
02:44:29 10 A. It was.  
02:44:30 11 Q. And cleared by General Electric, correct?  
02:44:33 12 A. It was.  
02:44:34 13 Q. And provided to the FBI to send to Qu Hui, correct?  
02:44:37 14 A. Yes.  
02:44:46 15 MR. McBRIDE: That's all for that, Paul.  
02:45:18 16 Bear with me for a minute, will you? I am going to get  
02:45:33 17 to a certain spot.  
02:45:34 18 May I have a moment, Your Honor?  
02:45:36 19 THE COURT: Yes.  
02:45:36 20 (Pause.)  
02:45:43 21 BY MR. McBRIDE: Your Honor, may we publish  
02:45:46 22 Government 31 Bravo, which has been admitted into evidence?  
02:45:50 23 THE COURT: Yes.  
02:45:52 24 MR. McBRIDE: Thank you, Your Honor.  
02:46:30 25 BY MR. McBRIDE:

02:46:30 1 Q. You ready, sir? All right.

02:46:32 2 This is the transcript of the meeting between Qu Hui --

02:46:37 3 or pardon me -- Xu and Zeng, correct? Not Dr. Zheng, but

02:46:46 4 Zhang, Z-E-N-G [sic]; is that correct?

02:46:48 5 A. Yes.

02:46:49 6 BY MR. McBRIDE: Would you be kind enough to turn to

02:46:50 7 page 4?

02:46:48 8 BY MR. McBRIDE:

02:46:48 9 Q. All right. Would you read about -- it's a little over

02:47:09 10 half the way page down where it says, "Zhang: Then it will

02:47:14 11 do"? Do you see that, sir?

02:47:21 12 A. I might need a moment.

02:47:29 13 Okay.

02:47:39 14 Q. Would you agree that this conversation is generally a

02:47:42 15 tutoring session?

02:47:44 16 A. Yes.

02:47:45 17 Q. Would you then read, again, sir, where Zhang says, "Then

02:47:52 18 it will do"?

02:47:53 19 A. "Then it will do all three of us in."

02:48:01 20 Q. Could you read the next sentence, please?

02:48:03 21 A. "To be honest in private, this is simply copyright

02:48:06 22 violations, right?"

02:48:09 23 Q. Do you know what they're talking about there?

02:48:12 24 A. I believe they are talking about the defendant taking

02:48:21 25 some exam prior to that.

02:48:36 1 Yeah, they are talking about the defendant taking an  
02:48:39 2 exam.

02:48:39 3 Q. So would it be fair to say these copyright violations  
02:48:43 4 don't involve any kind of technology?

02:48:45 5 A. Based on the context, I couldn't say.

02:48:48 6 Q. Thank you. You couldn't say?

02:48:49 7 A. Well, I mean, they are talking about an exam.

02:48:54 8 BY MR. McBRIDE: Okay. Could we turn to the same  
02:48:58 9 exhibit, page 13, please.

02:49:14 10 Actually, Paul, can we see the bottom?

02:49:18 11 BY MR. McBRIDE:

02:49:18 12 Q. Would you read the last sentence where Xu says, starting  
02:49:24 13 with "That's why"?

02:49:25 14 A. "That's why the Central Discipline Investigation  
02:49:28 15 Commission usually comes to us when they have  
02:49:30 16 investigations."

02:49:31 17 Q. Do you know what the Central Discipline Inspection  
02:49:33 18 Commission is?

02:49:34 19 A. To the best of my knowledge, it's part of the PCB.

02:49:38 20 Q. And Central Discipline, do you know what that means more  
02:49:42 21 specifically, other than being part of the PCB?

02:49:45 22 A. People who violate party principles.

02:49:50 23 Q. And that commission is involved in investigating or  
02:49:54 24 inspecting those; is that fair?

02:49:55 25 A. To my understanding.

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02:49:57 1 Q. Okay.

02:50:02 2 MR. McBRIDE: Paul, will you take that one down.

02:50:09 3 Your Honor, may we publish Government Exhibit 41b, which

02:50:14 4 has been admitted?

02:50:16 5 THE COURT: Yes.

02:51:00 6 BY MR. McBRIDE:

02:51:00 7 Q. You ready, sir? I'm sorry. You ready?

02:51:03 8 A. I am.

02:51:04 9 Q. I'd like you to look at the very top sentence. Do you

02:51:08 10 see where it says, "The analytical tools for Boeing strength

02:51:13 11 engineers such as Famoss, Boeing design manuals such as Book 2

02:51:21 12 or 3"? Do you see that, sir?

02:51:22 13 A. I do.

02:51:22 14 Q. Do you know what the Boeing design manual is?

02:51:25 15 A. I have a general understanding of what it is.

02:51:28 16 Q. What's your general understanding?

02:51:30 17 A. It's the method that Boeing uses to design components

02:51:34 18 to their aircraft.

02:51:35 19 Q. Did you know you could get that Boeing design manual on

02:51:38 20 the Internet?

02:51:38 21 A. I don't know which version that is, but it could be

02:51:41 22 possible.

02:51:43 23 BY MR. McBRIDE: Okay. Could we go to page 2,

02:51:45 24 please.

02:51:45 25 BY MR. McBRIDE:

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02:52:04 1       **Q.** Sir, do you see just below the black line in that  
02:52:08 2 exhibit?  
02:52:09 3       **A.** I do.  
02:52:09 4       **Q.** All right. And do you see where there is the reference  
02:52:14 5 to the U.S. aerial refueling aircraft KC-135?  
02:52:22 6       **A.** I do.  
02:52:23 7       **Q.** Do you know what the KC-135 is?  
02:52:25 8       **A.** Yes.  
02:52:26 9       **Q.** What is it?  
02:52:27 10      **A.** It's a U.S. military refueling aircraft.  
02:52:30 11      **Q.** In the air refueling, correct, sir?  
02:52:33 12      **A.** Yes.  
02:52:33 13      **Q.** Do you know it's a 60-year-old plane, sir?  
02:52:37 14      **A.** It's still in service.  
02:52:39 15      **Q.** And do you know it's just about to be phased out of  
02:52:41 16 service?  
02:52:42 17      **A.** I do not.  
02:52:43 18      **Q.** What if I told you it was? Would you believe me?  
02:52:51 19                  I'll take that as a "no," sir.  
02:52:53 20                  THE COURT: Is that a question?  
02:52:56 21                  MR. McBRIDE: Sir, I asked him if I told him that it  
02:52:59 22 was about to be phased out of service would he believe me.  
02:53:02 23                  THE COURT: And I find that -- move along, please.  
02:53:07 24                  MR. McBRIDE: Yes, sir.  
02:53:13 25                  Your Honor, could we admit 41b, please.

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02:53:16 1 THE COURT: It's admitted, right?

02:53:19 2 MR. McBRIDE: I'm sorry. Could we move to page 4,

02:53:22 3 please. Sorry, Paul. Page 4 of the last exhibit, 41 Bravo.

02:53:59 4 BY MR. McBRIDE:

02:53:59 5 Q. Sir, are you on page 4?

02:54:00 6 A. I am.

02:54:01 7 Q. Would you look at the top of the document?

02:54:09 8 I believe you testified about that top block, that those

02:54:12 9 were codes, correct?

02:54:14 10 A. Yes.

02:54:15 11 Q. Do you know why they are encoded?

02:54:18 12 A. I do not.

02:54:19 13 Q. And these are text messages, are they not?

02:54:22 14 A. This is, yes.

02:54:23 15 Q. Do you know why they are texting what the codes mean?

02:54:29 16 A. I do not.

02:54:32 17 Q. And they are pretty simple codes, aren't they?

02:54:35 18 A. They are if you have the answer key.

02:54:40 19 Q. Well, don't they tell you what the answer key is?

02:54:43 20 A. They do.

02:54:44 21 Q. Okay.

02:54:50 22 MR. McBRIDE: Your Honor, may we admit Exhibit 42b,

02:54:54 23 which is already in evidence?

02:54:58 24 THE COURT: Yes.

02:55:14 25 BY MR. McBRIDE:

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02:55:14 1 Q. Sir, do you have that document in front of you?

02:55:16 2 A. I do.

02:55:17 3 Q. Would you look at the top right block and read what is in

02:55:26 4 yellow there?

02:55:27 5 A. Do you mean in the first line?

02:55:30 6 Q. Yes, sir. The whole sentences.

02:55:34 7 A. "Hello Manager Xu. This is He Guangqing from Hunan

02:55:42 8 Tyen. I am at the high-speed rail station to pick you up.

02:55:44 9 When you exit, stay on the left. I will be at the left side

02:55:48 10 of the exit."

02:55:50 11 Q. Do you know what the Hunan Tyen Machinery Company does?

02:55:55 12 A. Beyond what you just described, very little.

02:56:01 13 Q. Did you know it's an automotive parts supplier then?

02:56:06 14 A. The machine company, they may make other parts, I don't

02:56:12 15 know.

02:56:12 16 Q. Did you know they are a division of China Changan

02:56:15 17 Mobile -- pardon me -- Automobile Group Limited?

02:56:18 18 A. I did not.

02:56:23 19 BY MR. McBRIDE: Could we go to the top of page 2,

02:56:27 20 Paul. Try to find the spot here.

02:56:27 21 BY MR. McBRIDE:

02:57:10 22 Q. Throughout your direct examination, there were a couple

02:57:12 23 of spots that refer to the Eighth Bureau. Do you remember

02:57:17 24 that, sir?

02:57:18 25 A. I do.

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02:57:18 1       **Q.** And essentially the phrases were something to the  
02:57:22 2 effect -- correct me if I'm wrong -- the Eighth Bureau has  
02:57:26 3 applied its techniques. Do you remember that, sir?  
02:57:30 4       **A.** I believe it's the Eighth Division, but, yes.  
02:57:33 5       **Q.** Thank you. Eighth Division, that's fine.  
02:57:35 6                  Do you know what the Eighth Division is?  
02:57:37 7       **A.** I have a general understanding, yes.  
02:57:38 8       **Q.** What's your general understanding?  
02:57:40 9       **A.** It's their equivalent of our cyber.  
02:57:48 10      **Q.** Counterespionage?  
02:57:50 11      **A.** That could be a tool, yes.  
02:58:07 12                  MR. McBRIDE: Bear with me a moment, Your Honor,  
02:58:09 13 please.  
02:58:36 14                  Your Honor, may we publish Government Exhibit 1a.  
02:58:41 15                  THE COURT: It's admitted, correct?  
02:58:43 16                  MR. McBRIDE: It is, Your Honor.  
02:58:44 17                  THE COURT: You may.  
02:59:04 18                  MR. McBRIDE: Would you blow it up just a little,  
02:59:12 19 Paul.  
02:59:14 20 BY MR. McBRIDE:  
02:59:14 21       **Q.** Do you see it, sir?  
02:59:15 22       **A.** I do.  
02:59:16 23       **Q.** All right. These are photographs that were taken of the  
02:59:21 24 items from Xu -- pardon me -- Xu Heng when he was arrested in  
02:59:27 25 Belgium, correct?

02:59:28 1     **A.** I believe that's accurate, yes.

02:59:29 2     **Q.** That's what it says on the top of the document, I

02:59:32 3 believe.

02:59:34 4                 Xu Heng was released by the Belgians, wasn't he?

02:59:39 5     **A.** He was.

02:59:40 6     **Q.** So these items and -- the top two items, they are

02:59:44 7 pictures of backpacks, correct?

02:59:46 8     **A.** Yes.

02:59:47 9     **Q.** All right. On the right, there is a computer in one of

02:59:50 10 the backpacks, correct?

02:59:51 11     **A.** Yes.

02:59:52 12     **Q.** All right. Wouldn't you expect travelers to have

02:59:58 13 backpacks?

02:59:59 14     **A.** I do.

02:59:59 15     **Q.** And then let's move down to the next frame. These are

03:00:03 16 various devices, are they not, on the left and right that were

03:00:08 17 taken from Xu Heng and possibly Xu Quan -- pardon me -- Xu

03:00:17 18 Yanjun?

03:00:17 19     **A.** Yes.

03:00:17 20     **Q.** And then -- and you would expect travelers to have

03:00:21 21 electronic devices, would you not?

03:00:23 22     **A.** Some, yes.

03:00:25 23     **Q.** And then on the left we have some sort of storage device,

03:00:28 24 correct?

03:00:28 25     **A.** We do.

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03:00:29 1       **Q.** And if you're traveling and taking a lot of pictures, you  
03:00:34 2 might want to have a storage device, would you not?  
03:00:36 3       **A.** If you were taking a lot of pictures, yes.  
03:00:38 4       **Q.** And then on the right you've got some cords and  
03:00:41 5 connectors, correct?  
03:00:42 6       **A.** Yes.  
03:00:42 7       **Q.** Not particularly unusual in and of themselves, are they?  
03:00:46 8       **A.** By themselves, no.  
03:00:48 9       **Q.** Let's move down to the very bottom.  
03:00:55 10      And these are -- on the left is -- these are cards,  
03:00:59 11 correct? Sim cards of some sort?  
03:01:01 12      **A.** They are sim cards, yes.  
03:01:03 13      **Q.** And the same thing on the right, correct?  
03:01:05 14      **A.** Yes.  
03:01:06 15      **Q.** And the sim cards are necessary for the cell phones,  
03:01:10 16 correct?  
03:01:10 17      **A.** Yes.  
03:01:18 18      MR. McBRIDE: Your Honor, may we publish Exhibit 1b,  
03:01:24 19 which is also in evidence?  
03:01:26 20      THE COURT: Yes.  
03:01:33 21 BY MR. McBRIDE:  
03:01:33 22       **Q.** Do you have those in front of you, sir?  
03:01:35 23       **A.** I do.  
03:01:36 24       **Q.** And these are the plane tickets, correct?  
03:01:38 25       **A.** They are.

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03:01:38 1 Q. And they were found on Xu Heng, correct?

03:01:42 2 A. They are -- or they were. Excuse me.

03:01:44 3 Q. Pardon me?

03:01:45 4 A. They were, yes.

03:01:46 5 Q. And on the left, we have Mr. Xu's ticket, correct?

03:01:51 6 A. Yes.

03:01:51 7 Q. And on the right, we have Mr. Heng's, correct?

03:01:55 8 A. Yes.

03:01:56 9 Q. All right. Nothing particularly odd about those plane

03:02:00 10 tickets, are there?

03:02:01 11 A. No.

03:02:02 12 Q. And is there anything particular odd about Mr. Heng

03:02:08 13 having them?

03:02:09 14 A. A plane ticket?

03:02:10 15 Q. Yes. Both plane tickets.

03:02:12 16 A. No.

03:02:16 17 MR. McBRIDE: Your Honor, may we publish Government

03:02:19 18 Exhibit 1c?

03:02:20 19 THE COURT: Yes, if it's been admitted.

03:02:23 20 MR. McBRIDE: It is, Your Honor. I apologize. It

03:02:27 21 is.

03:02:27 22 Can we focus on the top here.

03:02:30 23 BY MR. McBRIDE:

03:02:31 24 Q. Do you have that exhibit in front of you, sir?

03:02:33 25 A. I do.

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03:02:34 1       **Q.** All right. I'd like to look at mostly the top left if we  
03:02:39 2 could. I believe your testimony was that these gray  
03:02:42 3 envelopes, there was money in them, correct?  
03:02:44 4       **A.** Well, they are brown, and I believe the Belgian federal  
03:02:50 5 police officer testified to that.  
03:02:51 6       **Q.** Try and focus on my questions. I apologize for  
03:02:55 7 misstating the color.  
03:02:56 8              So the brown envelopes have money in them, correct?  
03:03:00 9       **A.** They do.  
03:03:01 10      **Q.** Some euros, correct?  
03:03:03 11      **A.** Yes.  
03:03:04 12      **Q.** There was some Chinese yen, correct?  
03:03:06 13      **A.** I believe that was from the wallet, but, yes.  
03:03:09 14      **Q.** And then there were some American dollars, correct?  
03:03:11 15      **A.** 7,000 American dollars.  
03:03:13 16      **Q.** What would you consider to be about the total value of  
03:03:17 17 the money in the brown envelopes?  
03:03:18 18      **A.** I believe the Belgian chief inspector testified it was  
03:03:22 19 in the order of like 7,000 U.S. dollars and 7,000 euros.  
03:03:29 20      **Q.** So together maybe 17-, \$18,000?  
03:03:32 21      **A.** Yes.  
03:03:34 22      **Q.** Correct me if I'm wrong, but you testified earlier today  
03:03:38 23 that the GE information at issue here was worth billions of  
03:03:44 24 dollars in development; is that right?  
03:03:46 25      **A.** Yes.

03:04:00 1 BY MR. McBRIDE: Could we pull out a little bit,

03:04:03 2 Paul? Pull the picture?

03:03:47 3 BY MR. McBRIDE:

03:03:47 4 Q. Look again, please, at the top left. Is that a passport

03:04:14 5 there?

03:04:15 6 A. It is.

03:04:15 7 Q. Whose passport is that, do you know?

03:04:18 8 A. I do not.

03:04:19 9 Q. But you found Mr. Xu's passport, correct?

03:04:23 10 A. The Belgians did, yes.

03:04:26 11 Q. The Belgians did. Well, thank you. And the Belgians

03:04:31 12 found that that passport was issued by China, correct?

03:04:35 13 A. Yes.

03:04:35 14 Q. And there is nothing unusual about that, is there?

03:04:37 15 A. No.

03:04:37 16 Q. And he had a visa, correct?

03:04:40 17 A. He did.

03:04:42 18 Q. And that visa allowed Mr. Xu to move around Europe; is

03:04:47 19 that correct?

03:04:47 20 A. That's what he provided to the French government.

03:04:51 21 Q. There is nothing inherently odd about that, is there, for

03:04:54 22 a traveller?

03:04:55 23 A. No.

03:05:02 24 MR. McBRIDE: Your Honor, could we publish Exhibit

03:05:05 25 6h, which has been admitted into evidence?

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03:05:21 1 THE COURT: Yes.

03:05:22 2 MR. McBRIDE: Could we turn the page to page 5.

03:05:39 3 BY MR. McBRIDE:

03:05:39 4 Q. Are you there, sir?

03:05:40 5 A. I am.

03:05:41 6 MR. McBRIDE: Could we blow it up a little bit,

03:05:44 7 Paul?

03:05:47 8 BY MR. McBRIDE:

03:05:47 9 Q. All right. Would you look at Number 25 and go across to

03:05:57 10 "From"? Do you see that, sir?

03:06:02 11 A. I do.

03:06:02 12 Q. And you see the WeChat handle there starting with wxid?

03:06:08 13 A. Yes, with the name Jerry.

03:06:11 14 Q. Do you know whose WeChat that is?

03:06:13 15 A. I believe it's your client's.

03:06:14 16 Q. All right. And look to the bottom where it says "To."

03:06:19 17 It's to lin772438, correct?

03:06:22 18 A. It is.

03:06:23 19 Q. Do you know who Lin is?

03:06:24 20 A. I believe that's your defendant's wife.

03:06:27 21 Q. Correct.

03:06:28 22 A. Your client's wife.

03:06:30 23 Q. And would you read what's highlighted in yellow to the

03:06:33 24 right, please?

03:06:33 25 A. "What if they don't have this brand?"

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03:06:36 1     **Q.** And then would you read what's highlighted in yellow one  
03:06:43 2 step below?

03:06:43 3     **A.** "If they don't have it, then don't worry about it."

03:06:46 4     **Q.** And who is that message from?

03:06:49 5     **A.** The defendant's spouse.

03:06:53 6     **Q.** To the defendant, sir?

03:06:54 7     **A.** Yes.

03:06:55 8     **Q.** All right. And then would you read what's highlighted in  
03:07:00 9 yellow in block 27?

03:07:02 10    **A.** "There is none."

03:07:07 11    **Q.** What conclusion do you draw from that exchange?

03:07:14 12    **A.** Discussions between husband and wife about shopping.

03:07:20 13    **Q.** Thank you.

03:07:23 14                    MR. McBRIDE: Can we see the next page, please.

03:07:34 15                    BY MR. McBRIDE:

03:07:34 16    **Q.** Just to continue in this theme, the block above 30  
03:07:38 17 doesn't have a number in it on this exhibit, but would you  
03:07:41 18 read what's in red -- in yellow at the far right at the very  
03:07:45 19 top?

03:07:45 20    **A.** "In that case, just buy three Lancome facial  
03:07:49 21 moisturizing masks instead them -- then."

03:07:55 22    **Q.** Thank you, sir.

03:08:00 23                    BY MR. McBRIDE: Could we go to page 19, please.

03:08:00 24                    BY MR. McBRIDE:

03:08:20 25    **Q.** All right. Would you read message 110, please?

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03:08:24 1 A. "Send me some photos when you have time."

03:08:28 2 Q. And who is that from?

03:08:29 3 A. That appears to be from the defendant's spouse.

03:08:34 4 Q. And who is it to?

03:08:35 5 A. The defendant.

03:08:36 6 Q. What conclusion do you draw from that sentence?

03:08:40 7 MR. MANGAN: Objection.

03:08:41 8 THE COURT: Basis?

03:08:42 9 MR. MANGAN: Asking him to guess what the intent of

03:08:48 10 the statement was.

03:08:49 11 MR. McBRIDE: I'll rephrase, Your Honor.

03:08:50 12 THE COURT: Very well. He'll rephrase.

03:08:53 13 BY MR. McBRIDE:

03:08:53 14 Q. Do you appear -- does it appear to be that Mrs. Yanjun is

03:08:57 15 asking for some pictures of Mr. Xu's travels?

03:09:00 16 A. Yes.

03:09:02 17 Q. Thank you.

03:09:08 18 MR. McBRIDE: You can take that one down, Paul.

03:09:15 19 BY MR. McBRIDE:

03:09:15 20 Q. Sir, do you recall that a number of the email -- a number

03:09:18 21 of the exhibits that the jury viewed last week came from the

03:09:26 22 jastxyj Gmail account? Do you remember that, sir?

03:09:31 23 A. I do.

03:09:32 24 Q. And the jastquhui Gmail account, correct?

03:09:36 25 A. Yes.

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03:09:36 1 Q. What was the date the Belgians arrested Mr. Xu?

03:09:53 2 A. April 1, 2018.

03:09:55 3 Q. And they placed his phone in a Faraday bag, did they not?

03:09:59 4 A. Not 100 percent on that, but they should have. Whether

03:10:03 5 they did or didn't, I don't know.

03:10:04 6 Q. If they placed it in a Faraday bag -- pardon me. Let me

03:10:10 7 start with this: What is a Faraday bag?

03:10:12 8 A. Faraday bag is a bag that we place electronic media in

03:10:16 9 so that it, in principle, should block a signal. In

03:10:23 10 practice, sometimes it doesn't. It depends on the quality

03:10:26 11 of the Faraday bag.

03:10:27 12 Q. Did you know that the jastxyj Gmail was accessed 55 times

03:10:33 13 after Mr. Xu's arrest?

03:10:34 14 A. Yes.

03:10:35 15 Q. And were you aware that the last one, last access was on

03:10:38 16 May 4, 2017?

03:10:42 17 A. That would be before the arrest.

03:10:44 18 Q. I'm sorry. June 4, 2017.

03:10:50 19 A. Okay.

03:10:51 20 Q. And then that the network locations it was accessed from

03:10:58 21 included the Jiangsu area and Berlin. Were you aware of that?

03:11:02 22 A. Sounds vaguely familiar, yes.

03:11:09 23 BY MR. McBRIDE: Could we publish, Your Honor,

03:11:12 24 Government Exhibit 64b? It has been admitted into evidence.

03:11:19 25 THE COURT: Yes.

03:11:35 1 BY MR. McBRIDE:

03:11:35 2 Q. And, sir, we are going to go to page 14 while you are

03:11:38 3 looking. Page 14 while you are looking.

03:11:56 4 A. I don't have a page 14 in 64b.

03:12:01 5 Q. All right. My apologies.

03:12:03 6 Let's back up on that. I don't want to spend the jury's

03:12:07 7 time -- waste the jury's time on that.

03:12:11 8 MR. McBRIDE: Your Honor, could we publish

03:12:13 9 Government Exhibit 94b, which has been admitted?

03:12:17 10 THE COURT: Yes.

03:12:55 11 BY MR. McBRIDE:

03:12:55 12 Q. Are you there, sir?

03:12:56 13 A. I am.

03:12:57 14 Q. All right. Will you read the "From" line at the top.

03:13:01 15 A. From jastxyj@gmail.com.

03:13:06 16 Q. Will you read the "To" line at the bottom of the top

03:13:12 17 section there?

03:13:12 18 A. Xuyanjun1980@sohu.com.

03:13:19 19 Q. So this email appears to be from whoever is at

03:13:26 20 jastxyj@gmail.com, correct?

03:13:28 21 A. It's sent from that address.

03:13:29 22 Q. Pardon me?

03:13:30 23 A. It's sent from that address.

03:13:31 24 Q. All right. And then the greeting is to Liu Yong; is that

03:13:37 25 correct?

03:13:37 1       **A.** Yes.

03:13:41 2       **Q.** And Liu Yong is apparently at xuyanjun1980, correct?

03:13:49 3       **A.** That's the name that's on that email.

03:13:55 4       **Q.** And that's the email that you identified our client

03:13:58 5       with -- my client with, correct?

03:14:00 6       **A.** Yes.

03:14:00 7       **Q.** All right. But apparently somebody else is using xyj --

03:14:08 8       jastxyj, correct?

03:14:10 9       **A.** Or your client is emailing an email to himself from

03:14:14 10      that account.

03:14:15 11      **Q.** So your testimony is he's emailing himself from that

03:14:19 12      account and greeting himself as Liu Yong; is that right?

03:14:23 13      **A.** It's possible.

03:14:24 14      **Q.** Okay.

03:14:28 15                   THE COURT: Have we reached a pause point?

03:14:31 16                   MR. MCBRIDE: Yes, Your Honor. Perfect pause

03:14:33 17                   actually.

03:14:33 18                   THE COURT: Very well. We are going to take a

03:14:35 19                   30-minute break. I have something I have to do unrelated, so

03:14:38 20                   you get a full break. Don't discuss the case among yourselves

03:14:41 21                   or with anyone else. No independent research. Continue to

03:14:45 22                   keep an open mind.

03:14:46 23                   We will stand as you leave until a quarter of 4.

03:14:49 24                   THE COURTROOM DEPUTY: All rise for the jury.

03:14:51 25                   (Jury out at 3:14 p.m.)

03:15:35 1                   THE COURT: The jury's left the room. The door is  
03:15:37 2 closed. I'm sorry. I have to break until a quarter of 4.  
03:15:45 3 How are you coming?  
03:15:46 4                   MR. McBRIDE: I am going to try to get through  
03:15:48 5 today, Your Honor.  
03:15:48 6                   THE COURT: Very well. We will recess until a  
03:15:50 7 quarter of 4.  
03:15:53 8                   THE COURTROOM DEPUTY: This court is in recess until  
03:15:56 9 a quarter of 4.  
03:15:58 10                  (Recess from 3:16 p.m. until is 3:46 p.m.)  
03:46:37 11                  THE COURT: Are we ready for the jury from the  
03:46:40 12 government's perspective?  
03:46:42 13                  MR. MANGAN: Yes, Your Honor.  
03:46:43 14                  THE COURT: From the defense as well?  
03:46:47 15                  MR. McBRIDE: Yes, Your Honor.  
03:46:49 16                  THE COURT: Let's call for the jury, please.  
03:47:31 17                  THE COURTROOM DEPUTY: All rise for the jury.  
03:47:33 18                  (Jury in at 3:47 p.m.)  
03:48:03 19                  THE COURT: Please be seated. The 15 jurors have  
03:48:09 20 rejoined us. We will continue to hear testimony.  
03:48:14 21                  Mr. McBride, you may proceed.  
03:48:19 22                  MR. McBRIDE: Thank you, Your Honor.  
03:48:22 23                  THE COURT: Very well.  
03:48:33 24                  MR. McBRIDE: Can I have a moment, Your Honor, to  
03:48:35 25 find my spot?

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03:48:36 1 (Pause.)

03:48:55 2 BY MR. McBRIDE:

03:48:56 3 Q. Agent Hull, we were talking about the email jastxyj. Do

03:49:06 4 you recall that?

03:49:06 5 A. I do.

03:49:07 6 Q. All right. And I believe we ended with -- I am not

03:49:12 7 asking to pull it up -- Government Exhibit 94b. Do you recall

03:49:17 8 that?

03:49:17 9 A. I do.

03:49:17 10 Q. All right. So you are aware, are you not, that the

03:49:20 11 United States has admitted that there may be others accessing

03:49:30 12 the jastxyj account, correct?

03:49:33 13 A. Among other explanations, yes.

03:49:36 14 Q. Yes. All right. Let's look at the jastquhui account.

03:49:42 15 Are you aware that it was accessed 56 times after Mr. Xu was

03:49:46 16 arrested?

03:49:46 17 A. Ballpark, yes.

03:49:48 18 Q. Ballpark. 56 is a fair number?

03:49:55 19 A. It is.

03:49:55 20 Q. And are you aware that it was accessed from locations of

03:49:59 21 Jiangsu, Berlin, and Paris? Does that sound about right?

03:50:02 22 A. About right, yep.

03:50:05 23 Q. And you are also aware that the government has admitted

03:50:09 24 that this may indicate there may be other individuals

03:50:12 25 accessing this email account, correct?

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03:50:16 1 **A.** Among other explanations, yes.

03:50:18 2 **Q.** But possibly other people are accessing it, correct?

03:50:23 3 **A.** Yes.

03:50:23 4 **Q.** Okay. I'm curious, Agent, did you do any studying about

03:50:42 5 MSS itself?

03:50:44 6 **A.** Specific to this case?

03:50:45 7 **Q.** Yes.

03:50:46 8 **A.** Some.

03:50:51 9 **Q.** Do you know what the bureaus are?

03:50:55 10 **A.** Not off the top of my head I do not.

03:50:58 11 **Q.** So you couldn't list them off for us?

03:51:00 12 **A.** I could not.

03:51:00 13 **Q.** Okay. That's fair enough. I am certainly not going to

03:51:03 14 ask you to do that.

03:51:07 15 I am going to ask you about a few of the items that were

03:51:10 16 found when Mr. Xu and Mr. Heng were arrested.

03:51:10 17 **A.** Okay.

03:51:14 18 **Q.** I am not going to pull most of them up, just to save

03:51:19 19 time.

03:51:19 20 I think you testified -- and correct me if I'm wrong --

03:51:22 21 that Mr. Xu had a Chinese identification card on him, correct?

03:51:27 22 **A.** Yes.

03:51:27 23 **Q.** And are you aware that every Chinese citizen has one of

03:51:30 24 those documents assigned to them?

03:51:33 25 **A.** Yes.

03:51:33 1 Q. And that it has a unique number on that document for that  
03:51:38 2 individual, correct?  
03:51:39 3 A. Yes.  
03:51:40 4 Q. All right. And that number is assigned by the Chinese  
03:51:44 5 communist party, correct?  
03:51:45 6 A. Yes.  
03:51:48 7 Q. And Xu was in possession of his own identification card  
03:51:54 8 from the Chinese government, correct?  
03:51:55 9 A. Yes.  
03:51:57 10 Q. He wasn't traveling under an alias, correct?  
03:52:02 11 A. An alias name, no.  
03:52:15 12 MR. McBRIDE: Your Honor, may we publish Government  
03:52:19 13 Exhibit 28 which has been admitted?  
03:52:21 14 THE COURT: Yes.  
03:52:44 15 BY MR. McBRIDE:  
03:52:45 16 Q. Sir, could you turn to page 2, please? Actually, let's  
03:52:49 17 leave it there on page 1. Would you look at the bottom right  
03:52:52 18 and describe what you see, that red marking?  
03:52:55 19 A. You mean the seal?  
03:53:00 20 Q. Do you know anything about official documents in China?  
03:53:04 21 A. They usually have a red seal.  
03:53:07 22 Q. And every organization has its own seal, correct?  
03:53:11 23 A. Every government or government-related organization  
03:53:14 24 does, to the best of my knowledge, yes.  
03:53:16 25 Q. Some business organizations also?

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03:53:17 1       **A.** They may.

03:53:18 2       **Q.** And so that indicates to you, does it not, that that's an

03:53:21 3 official document?

03:53:22 4       **A.** Yes.

03:53:23 5                             BY MR. McBRIDE: All right. Could we turn to page

03:53:26 6 2.

03:53:26 7                             BY MR. McBRIDE:

03:53:28 8       **Q.** This is the same document, sir, and I believe you

03:53:31 9 testified that this is Mr. Xu's admission to NUAA; is that

03:53:39 10 correct, your -- correct, sir?

03:53:40 11       **A.** Yes.

03:53:41 12       **Q.** And that would be a legitimate document, correct?

03:53:45 13       **A.** Based on this, it is.

03:53:46 14       **Q.** All right. Thank you.

03:53:55 15                             I would like to talk a little bit about the techniques

03:54:02 16 you used in this investigation, briefly.

03:54:14 17                             So we've heard already that you executed a search warrant

03:54:18 18 at Mr. -- at Dr. Zheng's house, correct? And you executed one

03:54:23 19 at his phones and his car, correct?

03:54:25 20       **A.** Yes.

03:54:25 21       **Q.** All right. In general, what kind of information did you

03:54:31 22 retrieve from that search warrant?

03:54:33 23       **A.** We had computers that we reviewed; we had the phone,

03:54:39 24 which we reviewed; and we had a few other electronic devices

03:54:43 25 which we seized, some of which we reviewed, some of which we

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03:54:48 1 did not; and the business card from the defendant.

03:54:50 2 Q. So you obtained a lot of emails, correct?

03:54:53 3 A. Yes.

03:54:53 4 Q. And those emails, some of them were between -- and these

03:54:58 5 were the ones you were looking for -- Dr. Zheng and Chen Feng,

03:55:01 6 correct?

03:55:02 7 A. The person using the jeremy@nuaa.edu.cn email.

03:55:10 8 Q. Very well. And from that email search, from those

03:55:13 9 emails, you got -- you identified other emails of interest to

03:55:16 10 you, correct?

03:55:16 11 A. Yes.

03:55:17 12 Q. All right. And then you did what?

03:55:20 13 A. We sought additional search warrants for those other

03:55:24 14 emails of interest.

03:55:25 15 Q. Okay. And who did you send those search warrants to?

03:55:32 16 A. Google. We did one more for Hotmail.

03:55:36 17 Q. So all those -- Google keeps its information on servers

03:55:40 18 in the United States, correct?

03:55:41 19 A. It does.

03:55:43 20 Q. And so because of that, you were able to issue a search

03:55:49 21 warrant for those emails, correct?

03:55:51 22 A. Yes.

03:55:52 23 Q. And with the legal process of a search warrant, you were

03:55:57 24 able to get the content of the emails, correct?

03:55:59 25 A. Yes.

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03:56:00 1       **Q.** And some of what you received is what's been entered into  
03:56:03 2 evidence in this course, correct?  
03:56:05 3       **A.** It is.  
03:56:08 4       **Q.** This course -- pardon me. This case.  
03:56:15 5              And you, of course, analyzed the contents of the emails  
03:56:21 6 that you received, correct?  
03:56:22 7       **A.** I read them, yes.  
03:56:24 8       **Q.** All right. Were you able to put them in some kind of  
03:56:28 9 cohesive story, if you will?  
03:56:31 10      **A.** I believe so, yes.  
03:56:33 11      **Q.** All right. And, of course, when you -- when the Belgians  
03:56:41 12 arrested Mr. Xu, they seized his cell phone, correct?  
03:56:46 13      **A.** Yes.  
03:56:47 14      **Q.** And you, properly so, got a legal search warrant to  
03:56:53 15 search his cell phone, correct?  
03:56:55 16      **A.** After we had him in our custody, yes.  
03:56:58 17      **Q.** And that's where you got the text messages and -- that's  
03:57:00 18 where you got the text messages, right?  
03:57:03 19      **A.** In addition to the iPhone backup, yes.  
03:57:06 20      **Q.** Okay. And were you able to get other items, then, out of  
03:57:10 21 the iCloud?  
03:57:10 22      **A.** Yes.  
03:57:11 23      **Q.** And that iCloud is stored on servers also in the United  
03:57:14 24 States, correct?  
03:57:14 25      **A.** Yes.

03:57:20 1       **Q.**     So your contention is that Mr. Xu is an intelligence  
03:57:38 2     officer from MSS; is that correct?  
03:57:40 3       **A.**     It's not my contention. We've reviewed his resume  
03:57:45 4     working for the MSS.  
03:57:48 5       **Q.**     Okay. That's a document no one has ever seen before,  
03:57:52 6     correct?  
03:57:53 7       **A.**     No one in the United States intelligence community, no.  
03:57:56 8       **Q.**     All right. And it didn't have a seal on it, did it?  
03:57:59 9       **A.**     The pages we recovered did not.  
03:58:01 10      **Q.**     All right. So you are also in the counterespionage  
03:58:09 11     business, correct?  
03:58:10 12      **A.**     I am in the counterintelligence --  
03:58:10 13      **Q.**     Pardon me --  
03:58:12 14      **A.**     -- section of the FBI.  
03:58:13 15      **Q.**     -- counterintelligence. Excuse me.  
03:58:15 16                  Do you think it's good tradecraft to communicate over  
03:58:18 17     email that could be recovered from a server in California?  
03:58:23 18                  MR. MANGAN: Objection. Relevance.  
03:58:27 19                  THE COURT: It's irrelevant.  
03:58:29 20                  MR. McBRIDE: I'll rephrase the question, Your  
03:58:31 21     Honor.  
03:58:31 22                  THE COURT: Very well.  
03:58:34 23     BY MR. McBRIDE:  
03:58:37 24       **Q.**     The emails that you obtained weren't in a kind of code,  
03:58:44 25     were they?

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03:58:44 1     **A.**   How do you mean?

03:58:46 2     **Q.**   Well, the emails themselves didn't have any code to its

03:58:50 3       content, did it?

03:58:53 4     **A.**   There were messages back and forth that discussed using

03:58:57 5       codes.

03:58:57 6     **Q.**   I understand, but the messages themselves weren't coded

03:59:00 7       in any way, were they?

03:59:01 8     **A.**   No. The emails --

03:59:01 9     **Q.**   And you were able to -- I apologize. What were you going

03:59:04 10      to say?

03:59:05 11     **A.**   The emails were not.

03:59:06 12     **Q.**   And you were able to evaluate those emails without any

03:59:09 13       problem once they were translated, correct?

03:59:11 14     **A.**   Yes.

03:59:12 15     **Q.**   All right. The same thing with the cell phones. There

03:59:17 16       were things saved on the cell phones, correct?

03:59:19 17     **A.**   Yes.

03:59:20 18     **Q.**   All right. Including the audio -- the audio recordings

03:59:26 19       that we have talked about at this trial, correct?

03:59:28 20     **A.**   Yes.

03:59:29 21     **Q.**   All right. And they weren't somehow encrypted, were

03:59:33 22       they?

03:59:33 23     **A.**   I mean, the device was password locked and protected.

03:59:38 24     **Q.**   No. I mean the communications themselves, they weren't

03:59:41 25       encrypted somehow or encoded, were they?

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03:59:46 1 A. Which communications specifically?

03:59:46 2 Q. The verbal communications.

03:59:48 3 A. No.

03:59:48 4 Q. They were not in code of any kind, were they?

03:59:50 5 A. They were not.

03:59:51 6 Q. And once again, Mr. Xu traveled to Belgium under his own

03:59:59 7 name, correct?

04:00:00 8 A. He did.

04:00:01 9 Q. We saw in his materials that he had a credit card,

04:00:15 10 correct?

04:00:15 11 A. Yes.

04:00:15 12 Q. Nothing unusual about that, is there?

04:00:18 13 A. No.

04:00:23 14 MR. McBRIDE: Can I have a moment, Your Honor?

04:00:25 15 THE COURT: Yes.

04:00:29 16 (Pause.)

04:00:44 17 MR. McBRIDE: Your Honor, I believe I am done with

04:00:47 18 this witness.

04:00:47 19 THE COURT: Very well. Thank you.

04:00:49 20 MR. McBRIDE: Thank you, Your Honor.

04:00:52 21 MR. MANGAN: Can we have one moment, Your Honor?

04:00:54 22 THE COURT: Yes.

04:00:54 23 (Pause.)

04:01:40 24 THE COURT: Redirect?

04:01:41 25 MR. MANGAN: Yes, Your Honor.

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REDIRECT EXAMINATION

04:01:42 1 BY MR. MANGAN:

04:01:44 2 Q. Good afternoon, Agent Hull.

04:01:45 3 A. Hello.

04:01:46 4 Q. I just wanted to ask you a little bit about the question  
04:01:49 5 related to the email accounts that the defense was asking you  
04:01:55 6 about, okay? And specifically they were asking you about the  
04:02:00 7 two email accounts being accessed after the date of the  
04:02:05 8 arrest, correct? Do you remember that?

04:02:06 9 A. I do.

04:02:07 10 Q. All right. And was that based on information related to  
04:02:13 11 IP addresses?

04:02:14 12 A. Yes, it was.

04:02:15 13 Q. Okay. And this didn't pertain to the cloud, correct?

04:02:21 14 A. It did not.

04:02:22 15 Q. All right. Or anything on the physical phones?

04:02:27 16 A. No.

04:02:27 17 Q. So with respect to those -- that time period for those  
04:02:31 18 two accounts, are you aware of other possible explanations for  
04:02:36 19 the continued IP hits?

04:02:39 20 A. I am.

04:02:39 21 Q. And could you explain that to the jury?

04:02:42 22 A. China has something that we refer to as the Great  
04:02:46 23 Firewall of China, which means that they have near complete  
04:02:49 24 control over the transfer data in and out of China. So in

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04:02:54 1 order to utilize Google or Gmail, as an example, I believe  
04:03:00 2 it was about 2016 it became impossible, courtesy of the  
04:03:04 3 control behind the Great Firewall of China, to access Google  
04:03:08 4 directly by an ISP in China. So you are required to use a  
04:03:12 5 VPN or to tunnel out somehow outside of China to do that.  
04:03:16 6 So that's one possible explanation, the use of a virtual  
04:03:20 7 private network.

04:03:22 8 **Q.** And then let me ask you this: If the defendant had  
04:03:29 9 access to that email account but had also inputted that on  
04:03:34 10 other devices, let's say a laptop at home, is it possible that  
04:03:38 11 someone could open his laptop at home after his arrest and try  
04:03:43 12 to access the account?

04:03:44 13 **A.** Yes. Any -- any device that would have had log-in  
04:03:48 14 access to that device. Like, let's say you had an iPad and  
04:03:52 15 one of your kids opened the iPad. Whether you actually  
04:03:55 16 accessed the emails or not, the iPad is still going to reach  
04:03:59 17 out to Google, to the server, and that's going to leave a  
04:04:03 18 forensic trace behind in the IP logs, even though nothing  
04:04:07 19 was accessed or no content was seen. It's a function of the  
04:04:11 20 system.

04:04:14 21 **Q.** And then after the arrest, you mentioned that, I believe  
04:04:16 22 in your earlier testimony, that that one of the phones was  
04:04:19 23 wiped; is that correct?

04:04:21 24 **A.** Yes.

04:04:23 25 **Q.** Is it also possible that other associates of the

## HULL - REDIRECT (Mangan)

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04:04:30 1 defendant attempted to reach out and somehow access his email  
04:04:33 2 accounts?

04:04:34 3 **A.** Yes.

04:04:34 4 **Q.** I also want to ask you a little bit about the discussions  
04:04:42 5 you had with the GE employee, Dr. Zheng.

04:04:48 6 You were asked a little bit about the interview. Did the  
04:04:50 7 FBI make sure that the employee was able to get home safely?

04:04:55 8 **A.** Yeah, I drove him home myself.

04:04:58 9 **Q.** And --

04:04:59 10 **A.** We also fed him. We had pizza.

04:05:02 11 **Q.** Okay. And then since that time, have you continued --  
04:05:05 12 have you been able to speak with him on multiple occasions?

04:05:08 13 **A.** Many, many occasions.

04:05:11 14 **Q.** All right. And during the course of that period of  
04:05:16 15 cooperation, have you had a -- how would you characterize the  
04:05:21 16 relationship?

04:05:22 17 **A.** A positive one. We work well together.

04:05:24 18 **Q.** All right. And during that time, did you also have to  
04:05:27 19 take measures to ensure his safety?

04:05:29 20 **A.** Yes.

04:05:30 21 **Q.** And were you personally involved in those?

04:05:32 22 **A.** I was.

04:05:33 23 **Q.** And has that been a continuing concern?

04:05:35 24 **A.** Yes.

04:05:37 25 MR. McBRIDE: Objection, Your Honor. Beyond the

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04:05:39 1 scope.

04:05:39 2 THE COURT: Overruled.

04:05:42 3 BY MR. MANGAN:

04:05:42 4 Q. Let me bring it back to the photos that were found on the

04:05:47 5 phone and the exhibit you were asked about at the beginning of

04:05:50 6 the day. Do you recall that?

04:05:51 7 A. I do.

04:05:51 8 Q. The photos there, is that -- that were in that exhibit,

04:05:58 9 is that all of the photos or a sample?

04:06:00 10 A. It's a very small sample of more than 200 photos.

04:06:04 11 Q. And was that selected simply to be representative of the

04:06:07 12 types of photos?

04:06:07 13 A. Yes. We didn't -- we tried to not bias it.

04:06:12 14 Q. And did you try to not put anymore family photos in the

04:06:17 15 exhibit than necessary to make the point?

04:06:19 16 A. No. There were a lot more, particularly of his family,

04:06:22 17 that we chose to not include.

04:06:26 18 MR. MANGAN: If I could have one moment, Your Honor?

04:06:30 19 THE COURT: Yes.

04:06:31 20 (Pause.)

04:06:41 21 MR. MANGAN: That's all I have, Your Honor.

04:06:42 22 THE COURT: Very well.

04:06:46 23 Is there any recross on redirect?

04:06:50 24 MR. McBRIDE: Very short, Your Honor.

04:06:52 25 THE COURT: Very well.

HULL - RECROSS (McBride)

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RECROSS-EXAMINATION

04:06:53 1  
04:06:55 2 BY MR. McBRIDE:  
04:06:57 3 Q. Mr. Mangan asked you some questions about the email  
04:06:59 4 addresses, correct? That we were talking about, that you were  
04:07:02 5 asked, the JAST emails.  
04:07:03 6 One of the explanations that you provided was that there  
04:07:06 7 could be access by a VPN, virtual private network. Do you  
04:07:12 8 recall that?  
04:07:12 9 A. I do.  
04:07:13 10 Q. There was no evidence of a VPN, was there?  
04:07:16 11 A. You can't tell that from an IP log.  
04:07:19 12 Q. So you don't know whether or not there was a VPN,  
04:07:23 13 correct?  
04:07:23 14 A. I do not know that, but I do know that they can't  
04:07:26 15 access Gmail within China without something like that.  
04:07:30 16 Q. So you don't know whether that was -- whether the  
04:07:38 17 machines were being accessed that way, correct?  
04:07:40 18 A. I do not. But, again, you can't tell that from IP  
04:07:45 19 log-in data.  
04:07:45 20 Q. Mr. Mangan asked you about another device that's  
04:07:48 21 connected to it; is that correct? Do you remember that?  
04:07:51 22 A. Yes.  
04:07:51 23 Q. All right. But you also remember testifying that some of  
04:07:57 24 the accesses were from Berlin. Do you remember that?  
04:08:01 25 A. Yes.

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04:08:01 1 Q. And they were close in time to time somebody tried to  
04:08:08 2 access these accounts from Jiangsu, correct?  
04:08:12 3 A. Yes.  
04:08:12 4 Q. All right. And, lastly, I think you also testified that  
04:08:26 5 some of Mr. Xu's colleagues could have been reaching out in  
04:08:29 6 this address, correct?  
04:08:30 7 A. It's possible, yes.  
04:08:32 8 Q. And you would say it's just as possible as the other  
04:08:35 9 alternatives you offer, correct?  
04:08:37 10 A. I'd say they are all possible.  
04:08:42 11 Q. Thank you.  
04:08:43 12 MR. McBRIDE: Your Honor, I have no more questions.  
04:08:45 13 THE COURT: Very well.  
04:08:47 14 Sir, you may step down.  
04:08:56 15 I'm inclined to recess for the day. Is the government  
04:08:59 16 accepting of that?  
04:09:00 17 MR. MANGAN: Yes, Your Honor. Thank you.  
04:09:01 18 THE COURT: The defense?  
04:09:02 19 MR. McBRIDE: Yes, Your Honor.  
04:09:03 20 THE COURT: Very well. You have had a good full  
04:09:07 21 day. This witness is now off the stand. Tonight when you go  
04:09:10 22 home I want you to take a break, not discuss it with your  
04:09:13 23 family, loved ones, or anyone, including yourselves. No  
04:09:18 24 independent research. Continue to keep an open mind as you  
04:09:22 25 promised you would.

04:09:25 1 I need you back tomorrow by 9:15 in the odd event that we  
04:09:30 2 are ready for you at 9:30.  
04:09:32 3 Out of respect for you, we will rise as you leave.  
04:09:35 4 THE COURTROOM DEPUTY: All rise for the jury.  
04:09:37 5 (Jury out at 4:09 p.m.)  
04:10:15 6 THE COURT: The jury's left the room. The door is  
04:10:21 7 closed. Is there anything that requires the Court's attention  
04:10:24 8 before we adjourn for the evening, from the government?  
04:10:27 9 MR. MANGAN: No, Your Honor.  
04:10:28 10 THE COURT: From the defense?  
04:10:31 11 MR. McBRIDE: Nothing, Your Honor. Thank you.  
04:10:33 12 THE COURT: The government has told the defense its  
04:10:35 13 next witnesses?  
04:10:36 14 MR. MANGAN: We have told them generally. We are  
04:10:38 15 going to caucus for a moment to give them the order if that's  
04:10:41 16 all right. But we will make sure we talk it through before we  
04:10:46 17 leave today.  
04:10:46 18 THE COURT: Very well. Enjoy the evening. The  
04:10:50 19 court's in recess.  
04:10:52 20 THE COURTROOM DEPUTY: This court is now in recess.  
04:10:54 21 (Proceedings adjourned at 4:10 p.m.)  
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24  
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1 CERTIFICATE OF REPORTER  
2

3 I, Mary A. Schweinhagen, Federal Official Realtime  
4 Court Reporter, in and for the United States District Court  
5 for the Southern District of Ohio, do hereby certify that  
6 pursuant to Section 753, Title 28, United States Code that the  
7 foregoing is a true and correct transcript of the  
8 stenographically reported proceedings held in the  
9 above-entitled matter and that the transcript page format is  
10 in conformance with the regulations of the Judicial Conference  
11 of the United States.

12

13 s/Mary A. Schweinhagen

14

20th of January, 2022

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MARY A. SCHWEINHAGEN, RDR, CRR  
FEDERAL OFFICIAL COURT REPORTER

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